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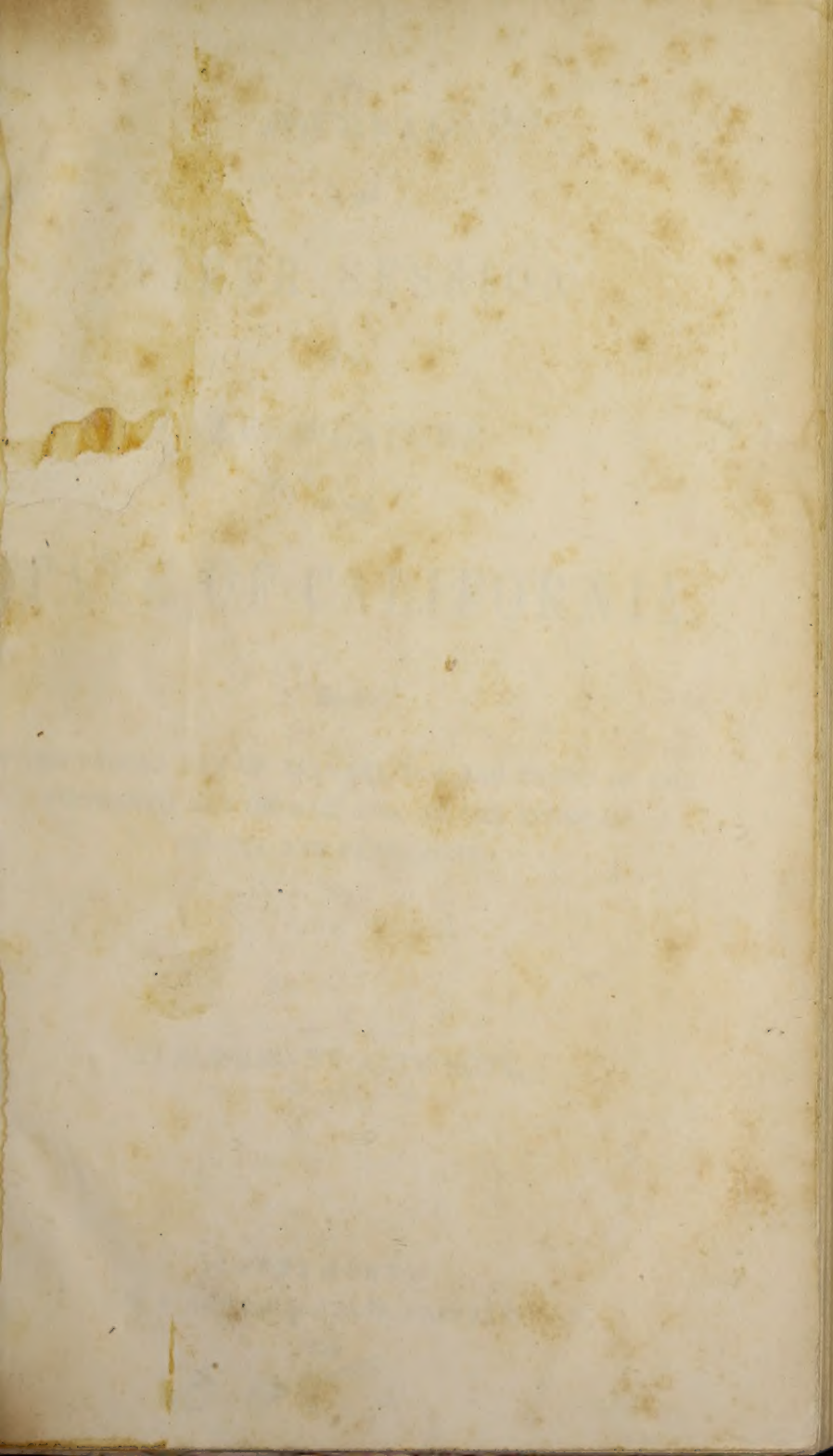


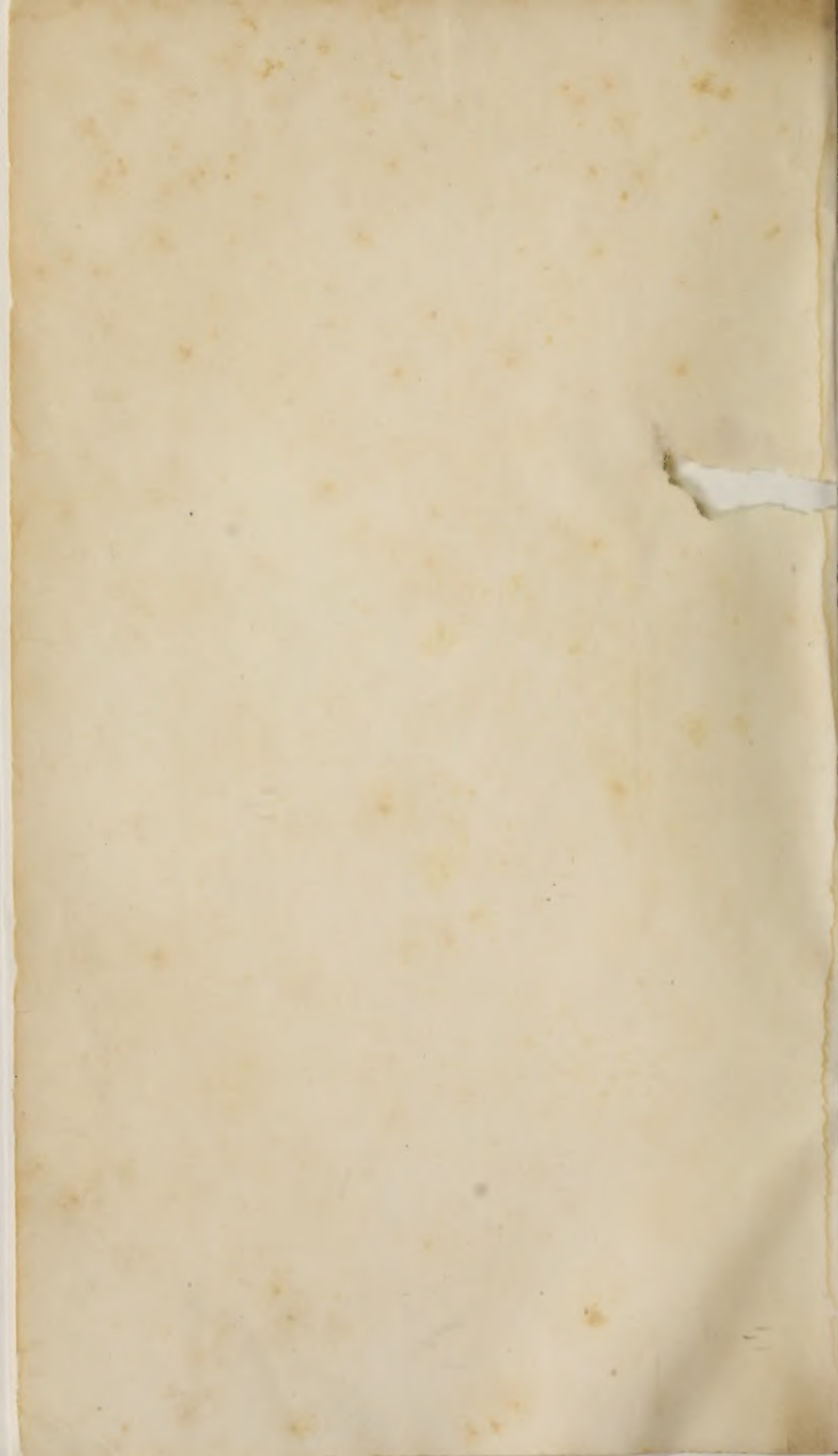
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JOURNAL  
OF THE  
FIFTH SESSION  
OF THE  
LEGISLATURE  
OF THE  
STATE OF CALIFORNIA,

BEGUN

ON THE SECOND DAY OF JANUARY, 1854, AND ENDED ON THE  
FIFTEENTH DAY OF MAY, 1854, AT THE CITIES OF  
BENICIA AND SACRAMENTO.

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PUBLISHED BY AUTHORITY.

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SACRAMENTO:  
E. B. REDDING, STATE PRINTER.

1854.

298

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**JOURNAL**

OF THE

**PROCEEDINGS OF THE ASSEMBLY.**

JOURNAL

OF THE

PROCEEDINGS OF THE ASSOCIATION



# JOURNAL OF THE ASSEMBLY.

## HOUSE OF ASSEMBLY.

CITY OF BENICIA. }  
Monday, January 2, 1854. }

According to the requirements of the Constitution, the House was called to order this day at 12 o'clock, M., by J. G. Stebbins, Esq., late Clerk.

On motion of Mr. Bostwick, Mr. Mandeville was chosen Speaker, *pro tem*.

The clerk then proceeded to call the Counties, and the following members appeared, were qualified, and took their seats :

- County of Butte—Messrs. Richard Irwin, S. Ewer and J. B. McGee.
- “ Calaveras—Messrs. Wm. C. Pratt and A. J. Houghtaling.
- “ Contra Costa—Mr. F. M. Warmcastle.
- “ Colusi—Mr. G. W. Bowie.
- “ El Dorado—Messrs. John Conness, Alfred Briggs, H. Hollister, E. C. Springer, E. A. Stevenson, George McDonald, and S. A. Ballou.
- County of Humboldt—Mr. M. Spencer.
- “ Los Angeles—Mr. E. Hunter.
- “ Mariposa—Messrs. P. T. Herbert and J. C. Henry.
- “ Monterey—Mr. D. R. Ashley.
- “ Napa—Mr. G. N. Cornwall.
- “ Nevada—Messrs. John H. Bostwick, Isaac N. Dawley, William. H. Lindsey, E. F. Burton and H. P. Sweetland.
- County of Placer—Messrs. B. F. Myres, Geo. H. Van Cleft, B. L. Fairfield and James O’Neil.
- County of Sacramento—Messrs. J. M. McBrayer, Thomas R. Davidson, F. A. Park, and John W. Park.
- County of San Diego—Mr. Charles P. Noel.
- “ San Francisco—Messrs. J. C. Hubbard and N. Hubert.
- “ San Joaquin—Mr. John Stemmons.
- “ Shasta—Mr. John A. Ring.

County of Solano—Mr. B. C. Whitman  
 “ Sonoma—Mr. J. N. Bennett.  
 “ Sierra—Messrs. J. C. James and F. Anderson.  
 “ Siskiyou—Mr. W. D. Aylett.  
 “ Sutter—Mr. E. O. F. Hastings.  
 “ Trinity—Mr. John Musser.  
 “ Tulare—Mr. John T. Tivy.  
 “ Tuolumne—Messrs. J. W. Mandeville, B. D. Horr, James T. Hoyt,  
 and H. B. Godard.  
 County of Yolo—Mr. H. Griffith.  
 “ Yuba—Messrs. Charles S. Fairfax, Charles W. Dannals, J. C. Jones,  
 H. B. Kellogg, and James G. McDuffie.

On motion of Mr. Irwin, the House adjourned until to-morrow at 12 o'clock.

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## HOUSE OF ASSEMBLY.

TUESDAY, January 3, 1854.

House met pursuant to adjournment, Mr. Mandeville in the chair.

The following members appeared, were qualified, and took their seats:

County of Calaveras—Martin Rowan.

San Bernardino—Jefferson Hunt.

Klamath—S. G. Whipple.

Marin—D. Clingan.

San Francisco—W. J. Sweasey, Edwin B. Purdy, F. W. Koll, John W. Bagley, and Elijah Nichols.

Santa Barbara—Pedro C. Carrillo.

El Dorado—D. P. Tallmadge.

Santa Cruz—W. W. Stowe.

Santa Clara—W. S. Letcher.

On motion of Mr. Conness, the House adjourned until 2 o'clock to-morrow.

## HOUSE OF ASSEMBLY.

WEDNESDAY, January 4, 1854.

House met pursuant to adjournment, Mr. Mandeville in the chair.

The following members appeared, were qualified, and took their seats :

From the county of Alameda, Joseph S. Watkins; county of Los Angeles, C. E. Carr; San Louis Obispo, Parker H. French; Tuolumne, John J. Hoff; and from the county of San Francisco, James A. Gilbert.

The House then proceeded to elect permanent officers for the session. Mr. Irwin nominated Mr. Charles S. Fairfax, and Mr. Bowie nominated Mr. B. D. Horr, for Speaker. Those who voted for Mr. Fairfax, were—

Messrs. Anderson, Ashley, Aylett, Bagley, Ballou, Bostwick, Briggs, Carr, Carrillo, Clingan, Conness, Dannals, Davidson, Dawley, Fairfield, Gilbert, Godard, Green, Griffith, Hastings, Herbert, Hoff, Hollister, Horr, Hoyt, Hubbard, Hubert, Hunt, Hunter, Irwin, James, Jones, Kellogg, Koll, Mandeville, Musser, Myers, McBrayer, McDonald, McDuffie, McGee, Nichols, Noel, O'Neil, F. A. Park, J. W. Park, Pratt, Purdy, Ring, Rowan, Spencer, Springer, Stemmons, Sweasey, Tallmadge, Tivy, Van Clef, Warmcastle, Watkins, and Whipple—60.

Those who voted for Mr. Horr, were—

Messrs. Bowie, Burton, Fairfax, Henry, Houghtaling, Letcher, Lindsey, Stowe and Whitman—9.

Mr. Fairfax having received a majority of all the votes cast, was declared duly elected Speaker.

Messrs. Myers and Herbert were appointed a committee to notify Mr. Fairfax of his election, and conduct him to the chair, whereupon he spoke as follows :

## GENTLEMEN OF THE ASSEMBLY :

For the honor you have this day conferred, by selecting me to preside over your deliberations, I cannot but return my heartfelt and sincere thanks.

In the proper discharge of the duties of Speaker of this Assembly, my warmest and best endeavors shall be exerted. Many and perplexing are its difficulties, yet with your friendly assistance and hearty co-operation in maintaining that high and dignified conduct suited to our deliberations, I am pleased to indulge the hope we shall be enabled to transact the business entrusted to our charge creditably to ourselves, and in a manner best calculated to promote the interest of the State. The recent acquisition of California, her vast expanse of territory, her mixed population, various in their habits and languages, unaccustomed, many of them, to our laws and institutions, added to her peculiar and sometimes locally adverse interests, all tend to render good and wholesome legislation extremely difficult; so much the more, therefore, should we strive in our united efforts, to avoid the wrong so much complained of—to adopt the right so anxiously expected by the people at our hands. Then, and then alone, shall we have discharged our duty, and then shall we be en-

abled to return to an approving constituency, greeting us as good and faithful servants.

Gentlemen, I am pleased to believe the members of this Assembly competent to the task, and zealous for its proper accomplishment.

After which he took the oath of office as Speaker, and proceeded to business.

The House next proceeded to the election of Chief Clerk. Blanton McAlpin being alone in nomination, received the following votes :

Messrs. Anderson, Ashley, Aylett, Bagley, Ballou, Bostwick, Briggs, Burton, Carr, Carrillo, Clingan, Conness, Cornwall, Dannels, Davidson, Dawley, Fairfax, Fairfield, Gilbert, Godard, Green, Griffith, Hastings, Henry, Herbert, Hoff, Hollister, Hoyt, Hubbard, Hubert, Hunt, Hunter, Irwin, James, Jones, Kellogg, Koll, Letcher, Lindsey, Mandeville, Musser, Myers, McBrayer, McDonald, McDuffie, McGee, Nichols, Noel, O'Neil, F. A. Park, J. W. Park, Pratt, Purdy, Ring, Rowan, Spencer, Springer, Stemmons, Stowe, Sweasey, Sweetland, Tallmadge, Tivy, Van Cleft, Warmcastle, Watkins, and Whipple—67.

Having received all the votes cast, was declared duly elected.

The House next proceeded to the election of Assistant Clerk.

Mr. Scobey being alone in nomination, received the following votes :

Messrs. Anderson, Ashley, Aylett, Bagley, Ballou, Bennett, Bostwick, Briggs, Burton, Carr, Carrillo, Clingan, Conness, Cornwall, Dannels, Davidson, Dawley, Fairfax, Fairfield, Gilbert, Godard, Green, Griffith, Hastings, Henry, Herbert, Hollister, Houghtaling, Hoyt, Hubbard, Hubert, Hunt, Hunter, Irwin, James, Jones, Kellogg, Koll, Letcher, Lindsey, Mandeville, Musser, Myers, McBrayer, McDonald, McDuffie, McGee, Nichols, Noel, O'Neil, F. A. Park, J. W. Park, Pratt, Purdy, Ring, Rowan, Spencer, Springer, Stemmons, Stowe, Sweasey, Sweetland, Tallmadge, Tivy, Van Cleft, Warmcastle, Watkins, and Whipple—68.

Having received all the votes, he was declared duly elected Assistant Clerk.

The House then proceeded to elect a Sergeant-at-Arms.

Mr. George H. Blake being alone in nomination, received the following votes :

Messrs. Anderson, Ashley, Aylett, Bagley, Ballou, Bennett, Bostwick, Briggs, Burton, Carr, Carrillo, Clingan, Conness, Cornwall, Dannels, Davidson, Dawley, Fairfax, Fairfield, French, Gilbert, Godard, Green, Griffith, Hastings, Henry, Herbert, Hoff, Hollister, Houghtaling, Hoyt, Hubbard, Hubert, Hunt, Hunter, Irwin, James, Jones, Kellogg, Koll, Lindsey, Mandeville, Musser, Myers, McBrayer, McDonald, McDuffie, McGee, Nichols, Noel, O'Neil, F. A. Park, J. W. Park, Pratt, Purdy, Ring, Rowan, Spencer, Springer, Stemmons, Sweasey, Sweetland, Tallmadge, Tivy, Van Cleft, Warmcastle, Watkins, and Whipple—68.

Having received all the votes, he was declared duly elected Sergeant-at-Arms.

The House then proceeded to elect a Door-Keeper.

John H. Warrington being alone in nomination, received the following votes :

Messrs. Anderson, Ashley, Aylett, Bagley, Ballou, Bennett, Bostwick, Briggs, Burton, Carr, Carrillo, Clingan, Conness, Cornwall, Dannels, Davidson, Dawley, Ewer, Fairfax, Fairfield, French, Gilbert, Godard, Green, Griffith, Hastings, Henry, Herbert, Hoff, Hollister, Houghtaling, Hoyt, Hubbard, Hubert, Hunt, Hunter, Irwin, James, Jones, Kellogg, Koll, Lindsey, Mandeville, Musser, Myers, McBrayer, McDuffie, McGee, Nichols, Noel, O'Neil, F. A. Park, J. W. Park, Pratt, Purdy, Ring, Rowan, Spencer, Springer, Stemmons, Stowe, Sweasey, Sweetland, Tallmadge, Tivy, Van Cleft, Warmcastle, Watkins, Whipple, and Whitman—69.



Having received all the votes cast, was declared duly elected Door-Keeper.

The House then proceeded to elect an Enrolling Clerk.

Mr. Kimmel being alone in nomination, received the following votes :

Messrs. Anderson, Ashley, Aylett, Bagley, Ballou, Bennett, Bostwick, Briggs, Burton, Carr, Carrillo, Clingan, Conness, Cornwall, Dannels, Davidson, Dawley, Fairfax, Fairfield, Gilbert, Godard, Green, Griffith, Hastings, Herbert, Hoff, Hollister, Houghtaling, Hoyt, Hubbard, Hubert, Hunt, Hunter, James, Jones, Kellogg, Koll, Letcher, Lindsey, Mandeville, Musser, Myers, McBrayer, McDonald, McDuffie, McGee, Nichols, Noel, O'Neil, J. W. Park, Pratt, Purdy, Ring, Rowan, Spencer, Springer, Stemmons, Stowe, Sweasey, Sweetland, Tallmadge, Tivy, Van Cleft, Warmcastle, Watkins, and Whipple—65.

Having received all the votes cast, was declared duly elected Enrolling Clerk.

The House next proceeded to elect an Engrossing Clerk.

Mr. Kelly being alone in nomination, received the following votes :

Messrs. Anderson, Ashley, Aylett, Bagley, Ballou, Bennett, Bostwick, Briggs, Burton, Carr, Carrillo, Clingan, Conness, Cornwall, Dannels, Davidson, Dawley, Fairfax, Fairfield, Gilbert, Godard, Green, Griffith, Hagans, Hastings, Henry, Herbert, Hoff, Hollister, Houghtaling, Hoyt, Hubbard, Hubert, Hunt, Hunter, James, Jones, Kellogg, Koll, Letcher, Lindsey, Mandeville, Musser, Myers, McBrayer, McDonald, McDuffie, McGee, Nichols, Noel, O'Neil, F. A. Park, J. W. Park, Pratt, Purdy, Ring, Rowan, Spencer, Springer, Stemmons, Stowe, Sweasey, Sweetland, Tallmadge, Tivy, Van Cleft, Warmcastle, Watkins, and Whipple—69.

Mr. Kelly having received all the votes cast, was declared duly elected Engrossing Clerk.

Mr. Mandeville offered the following resolution, which was adopted :

*Resolved*, That the clerk be directed to inform the Senate that the Assembly has organized by the election of the following officers :

C. S. Fairfax,	Speaker.
B. McAlpin,	Chief Clerk.
J. W. Scobey,	Assistant Clerk.
John Kimmel,	Enrolling Clerk.
E. A. Kelly,	Engrossing Clerk.
Geo. H. Blake,	Sergeant-at-Arms.
John H. Warrington,	Door-Keeper.

And that the Assembly is now ready to proceed with the business of the session.

Mr. Hoff offered a Joint Resolution to appoint a committee of two from each House to wait upon the Governor and inform him that the two Houses were now ready to receive any communication which he might desire to transmit,

Which was adopted, and Messrs. Hoff and Conness appointed on the part of the House.

Mr. Bostwick offered the following, which was adopted :

*Resolved*, That the Speaker is hereby authorized and directed to appoint a Page and Assistant Page for the Assembly.

Also, as many Porters as may be necessary for keeping the Chamber in proper order, and to dismiss them at pleasure.

Mr. Conness offered the following, which was adopted :

*Resolved*, That the employment of clerks to committees, being unnecessary and expensive, shall henceforth be discontinued.

On motion of Mr. Conness the Rules of the last session were adopted for the present session, at present.

And that a committee of five be appointed to draft Rules for the government of the present session.

Messrs. Conness, Watkins, Mandeville, Herbert and Irwin were appointed said committee.

On motion of Mr. Hoff, the Sergeant-at-Arms was instructed to make the necessary arrangements to accommodate the reporters of newspapers.

Mr. Myres offered the following, which was adopted :

*Resolved*, That the Sergeant-at-Arms be authorized and instructed to make arrangements for furnishing members with five copies of daily newspapers, such as they may select.

The following message was received from the Senate :

*Mr. Speaker :*

I am instructed to inform the Assembly that they have organized by the selection of the following officers :

Secretary,	-	-	-	-	-	John Y. Lind.
Assistant Secretary,	-	-	-	-	-	J. H. Stewart.
Sergeant-at-Arms,	-	-	-	-	-	W. H. Harvey.
Door-Keeper,	-	-	-	-	-	E. C. Dowdigan.
Enrolling Clerk,	-	-	-	-	-	Henry St. Clair.
Engrossing Clerk,	-	-	-	-	-	J. C. Tucker.

And that the Senate is now ready to proceed to Legislative business.

JOHN Y. LIND, *Secretary*.

The following was also received from the Senate :

*Mr. Speaker :*

I am instructed to inform the Assembly that they have concurred in the resolution to appoint a committee to wait upon the Governor and inform him of their organization, and receive any communication he may be prepared to transmit, and have appointed as such committee, Messrs Leake and Coffroth.

JOHN Y. LIND, *Secretary*.

On motion of Mr. Hoff, the Sergeant-at-Arms had leave of absence granted for two days.

On motion of Mr. Herbert, leave of absence was granted to B. F. Myres for ten days.

Mr. Conness reported that the committee had waited upon the Governor, and were informed that he would communicate to this House immediately.

The following Message was received from the Governor by the Secretary of State, and while reading the same, on motion of Mr. Mandeville, the further reading was dispensed with, and the Message laid upon the table, and 3000 copies ordered to be printed in English :

## GOVERNOR'S ANNUAL MESSAGE.

*Fellow Citizens of the Senate and Assembly:*

Under the guidance and protecting care of that Divine Goodness, to whom it is our duty to address devout gratitude for the past, as well as fervent supplication for the future, you, the immediate representatives of the people, have convened, and under the most favorable auspices, are about to commence your legislative labors. The constitutional duty again devolves upon me of communicating with you, by message, setting forth "the condition of the State," and commending to your favorable consideration such measures as I may "deem expedient."

In the performance of this important duty, at the commencement of a new term of office, I am filled with emotions of gratitude to the people, whose generous preference has again called me to preside over the destinies of this young State, and to that gracious Providence under whose kindly protection, we have advanced so rapidly in the paths of progress and of peace.

The obligations which the confidence of a free and intelligent people imposes, will be acknowledged, on my part, by an anxious desire and continued effort to discharge my public duties in accordance with my convictions of right and justice, and in strict compliance with the constitution and laws.

On the occasion of your assembling, permit me to congratulate you upon the healthy and prosperous condition of the country. During the year just closed, Divine Providence, ever watchful over the affairs of men and nations, has been pleased to smile upon our favored State, and to bless us with health within our borders, and plenty in our habitations. The mineral wealth of our mountains continues to be the admiration and wonder of the world—the products of our valleys, already the pride and boast of our own people, promise, in a few short years, under the hand of careful culture, to more than equal the wants of California; our commerce greatly expanded and diversified, has been much more than remunerative; in short, all the sources of wealth have been greatly augmented by the enterprise and well directed efforts of our people.

In compliance with constitutional requirement, and with a view to facilitate your legislative labors, correct information, in relation to the condition of the State, will be given in as brief a space as possible; and measures deemed important to California, and the welfare of the whole people, commended to your favorable consideration.

The existing debt of the State on the 20th day of December, 1853, is set forth as follows, in the report of the Comptroller of State:

## CIVIL DEBT.

Amount of 3 per cent. Bonds outstanding,	-	\$4,075 00	
“ interest on same to date,	-	5,501 25	
			\$9,576 25
“ 7 per cent. Bonds of 1851,	-	-	384,000 00
“ “ “ 1852,	-	-	1,422,000 00
“ State Prison Bonds, Act of 1853,	-	-	100,000 00
“ Comptroller's Warrants outstanding,	-	-	161,619 80
			<hr/>
Total amount of civil indebtedness,	-	-	\$2,077,196 05
Amount of War debt, principal and interest,	-	-	924,259 65
			<hr/>
Total debt of the State, exclusive of the School Fund,			\$3,001,455 70



And if we include the \$463,360 received for School Warrants, then it is \$3,464,815 70. On the amount received for School Land Warrants, the State is pledged for the payment of an annual interest of seven per cent. to the School Fund; but the principal is not regarded as legitimately a debt of the State, because realized from sales made of her own property, and the interest money which has accrued, as on the balance of the Civil Debt, is not included, because the amount is now in the Treasury. Besides this, the debt contracted for Indian expeditions, amounting in the aggregate to the sum of \$924,259 65, should be regarded rather as an *apparent* than *actual* indebtedness, and one which Congress is bound, sooner or later, to assume---the General Government having failed to extend to our people the protection guarantied by the Constitution of the United States.

The *adjusted* indebtedness of the State on the 31st of December, 1851, as reported by the Comptroller, amounted to \$1,242,339 74, as follows :

Total amount of <i>adjusted</i> Civil indebtedness,	-	\$796,963 95
“ “ War debt,	- -	445,375 79
		<hr/> \$1,242,339 74

It is deemed proper, in this connection, to explain the causes of the *apparent* increase of State indebtedness within the last two years, and in doing so it may be necessary to enter more into detail than has heretofore been the custom of the Executive.

Before recapitulating the several items and dates necessary to a correct understanding of the subject, I may be allowed to remark, that the responsibility, whatever it may be, rests entirely with those agents of the State who *contracted* the debts, and not upon those who, subsequently, in obedience to law, merely adjusted and issued warrants upon the Treasury in payment of them. With the latter, there was certainly no discretionary power: whether it existed with the former, it is not necessary for me now to inquire. The faith of the State had been pledged for indebtedness incurred, and without actual repudiation, there was no other course to be pursued by the present agents of the State than to issue warrants on the Treasury in compliance with law.

The explanation deemed proper, will, in part, be found in statements A, B and C, herewith transmitted. (See Appendix.)

Statement A exhibits the various debts *contracted prior* to the 1st of January, 1852, but which were not audited by the proper officer until *after* that date, amounting, in the aggregate, to the sum of one million fifty-two thousand four hundred and ninety dollars and ninety-two cents.

Statement B exhibits the several amounts appropriated by the Legislature of 1852 and 1853, for special objects, having no necessary connection with the administration of the State Government, amounting in the aggregate to the sum of four hundred and thirty-six thousand, three hundred and fifty dollars and seventy eight-cents.

Statement C exhibits the expenses of the several departments of the State Government since its organization.

Amount of *adjusted* indebtedness on the 1st day of January, 1852. (See Comptroller's special report of January 22, 1852.) \$1,242,339 74

Amount of indebtedness incurred *prior* but not audited until after January 1, 1852. (See statement A.) \$1,052,490 92

Amount of <i>actual debt</i> on 1st January, 1852,	<hr/> 2,294,830 66
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Amount appropriated by the Legislatures of 1852, and 1853, for special objects unconnected with the administration of the State Government. (See statement B)

436,350 78

Amount of *actual debt* on the 1st January, 1852, and special appropriations by the Legislatures of 1852 and 1853,

\$2,731,181 44

Since the 1st of January, 1852, of the then *adjusted* debt, in the shape of three per cent. Bonds redeemed, including interest, there has been paid in coin,

\$272,978 41

In seven per cent. Bonds due in 1855, and redeemed, there has been paid in coin since January 1, 1852,

77,000 00

Total amount of coin paid in the redemption of three and seven per cents. of 1850 and 1851,

\$349,978 41

From the above recapitulation it will be seen that the debt of the State, incurred in defraying necessary and legitimate expenses of Government since January 1, 1852, has increased comparatively but a small amount.

The amount of coin, (\$349,978 41,) applied in the redemption of Bonds since January 1, 1852, it is proper to state, was diverted, at a time when much required, from the revenues relied upon to defray the current expenses of Government, and in lieu of which it became necessary to issue Comptroller's Warrants for a greatly increased amount, the difference between \$349,978 41 in cash and scrip, at eighty cents on the dollar, being \$87,494 60.

The enormous rate of interest, (three per cent. per month, or thirty-six per cent. per annum,) payable on most of these bonds, rendered their early redemption a matter of great importance to the State, and it gives me sincere pleasure to be able to inform you that there are now outstanding but about four thousand dollars, of the whole amount issued.

The whole amount of three per cent. bonds originally issued was \$290,000, upon which interest to the amount of \$182,268 50, has been paid, exclusive of the \$5,501 25, due on the \$4,075 00, still outstanding.

The receipts and expenditures for the ensuing fiscal year are estimated by the Comptroller, as follows:

Receipts,	-	-	-	-	-	-	\$780,000 00
Expenditures,	-	-	-	-	-	-	960,000 00

The assessment returns have been received from twenty-seven counties. Appraised amount of real and personal property \$91,338,175. The remaining eight counties will increase the assessment to at least \$1,000,000, being an increase, compared with 1852, of \$40,783,144.

Amount of revenue on an assessment of \$100,000,000 at sixty cents on each \$100 of valuation,	-	-	-	-	\$600,000 00
Amount of Foreign Miners' Tax,	-	-	-	-	125,000 00
" Poll Tax,	-	-	-	-	60,000 00
" Consigned Goods,	-	-	-	-	50,000 00
" Auction Duties,	-	-	-	-	75,000 00
" Passenger Tax,	-	-	-	-	26,000 00
" Library Fund,	-	-	-	-	2,000 00
" Possessory Claims,	-	-	-	-	2,000 00
Total amount,	-	-	-	-	\$940,000 00
Deduct for delinquencies and cost of collection.	-	-	-	-	160,000 00
Nett amount of revenue,	-	-	-	-	\$780,000 00

From a close investigation of the subject, I am inclined to believe, that the estimated receipts are at least one hundred thousand less than will actually be collected before the close of the present fiscal year, and have every reason to expect that the total receipts will vary but little from eight hundred and eighty thousand dollars.

The cash receipts into the General Fund from December 27, 1853, to April 15, 1854, inclusive, are estimated by the Comptroller of State at one hundred and seventy-five thousand dollars, which sum, together with the amount realized in cash from the sales of property made by the city of San Francisco, on the 26th of December, 1853, presumed to be about two hundred thousand dollars—can be applied in payment of accruing expenses of Government.

To provide the amount of means necessary for the speedy payment of the existing Civil Debt, I recommended, at the commencement of the last session of the Legislature, an Extension of the Water Front, and the sale of the State's interest in all property within the limits of the city of San Francisco.

The Legislature having adjourned, however, without passing a law authorizing the extension, as then recommended, I deem it my duty, again to invite attention to the question, and to implore you to give to the subject early and favorable consideration.

Every consideration of honor, patriotism, and fidelity to our constituents, imperiously calls upon us, at this time to apply all the means, legitimately at our disposal, in payment of the existing State debt.

Since the adjournment of the Legislature the question of Extension has been discussed, and examined in all its bearings, and it gives me pleasure to assure you that the project has now, comparatively, few opponents.

That the title to this property is in the State of California, and that her agents alone have power to dispose of it, seems now to be generally conceded. Indeed, it cannot be even plausibly questioned, that the moment the right of sovereignty vested in the United States, they took upon themselves merely the right to hold the municipal eminent domain in trust for such new States, as might be organized with in the acquired territory: and upon their admission into the Union, to invest them with it, to the same extent and in all respects, as the other States of the Confederacy.

The Supreme Court of the United States, at its January term, in the year 1845, declared that "The power of Congress over navigation and its power to make all needful rules and regulations, for the sale and disposition of the public lands, conferred no power to grant lands, below high-water mark, in any State admitted into the Union: that the shores of all navigable waters, and the soil under them were not granted by the Constitution, but were reserved by the States respectively, and that the *new* States have the same rights, sovereignty and jurisdiction as the original States." It cannot therefore, be doubted, that on the admission of California into

the Union, the exclusive right to dispose of all the lands below "high-water mark" within her limits passed to the State.

The Supreme and Circuit Courts of the United States, it may be proper here to remark, have also well settled the principle that no separate or exclusive right, adverse to the sovereign and public right, is acquired by a city or town to the tide-waters or the soil under them, by virtue of an Act of the Legislature, merely extending the limits of such town or city over such waters. An Act extending the bounds of a city or town, over a bay, merely for the purpose of jurisdiction, is no evidence of a grant of property in the "soil covered by water." Numerous decisions could be here cited in support of this position, but it is not deemed necessary.

Permit me, in this connection, however, to suggest, that in carrying into effect the recommendation to extend the Water Front of the city of San Francisco, it would be advisable to provide for the appointment of a Board of Commissioners, with such checks and limitations as may be necessary, and that without prescribing an arbitrary line, authority be given them to extend at such points, and to such distance, as may, after careful examination, be deemed proper and expedient; provided, that at no point shall the extension exceed a given number of feet; and further, that the said Board be required to provide for as many slips, to be kept free and unobstructed, as may be necessary for the wants and requirements of commerce.

It is believed that extension can be made at various points, and in such manner as will not only cause no injury to the harbor, but result in positive benefit. By providing proper slips to be kept open and unobstructed for the convenience of commerce, sufficient drainage can be obtained, and the expense and inconvenience incident to a change of the present grade of the city avoided.

The practicability of this measure cannot be questioned, and the fact that from a judicious sale of the property within the limits of the proposed extension, sufficient means will be realized to pay the State debt, and relieve our people from the burthen of onerous taxation, must commend it to the favorable consideration of the Representatives of the people. And, as these facts are better understood and appreciated by the citizens of San Francisco, there can be no doubt that they will hail the extension, not only as an act beneficial to themselves, but as imperiously demanded by the future wants and interests of the great and populous emporium of the Pacific.

The consummation of the measure of extension, in the manner contemplated, in truth, must result directly to the advantage of the residents of the city of San Francisco, and, indirectly, benefit the whole people of the State.

The limited space now occupied by the business portion of the city, demands extension for the accommodation of her present commerce, which is now in its infancy, and small, indeed, compared with that which, we have every reason to believe will, at no remote period, be centered in the harbor of San Francisco. To assume that that commerce can be conveniently, or advantageously, transacted within the present contracted limits, or that it will recede from, rather than encroach upon the water, is alike contrary to well matured public opinion and past experience.

The sale, from time to time, as deemed expedient, of such an amount of water property, adapted as it is to the wants and requirements of commerce, must exercise a wholesome influence in regulating rent-charges, which, in the increased price of goods, are eventually paid by consumers throughout the State.

The harbor of San Francisco, from its position and capacity, is of more importance to the commerce of the world than any other within our confederacy, and it is therefore hoped, that Congress, during the present session, will adopt the necessary measures to protect and render it perfectly secure.

By an Act of the Legislature, approved March 26th, 1851, property owned by the State, known as the "Beach and Water Lot property, was released to the city of San Francisco, for the term of ninety-nine years, the city to pay into the State



Treasury twenty-five per cent. upon all moneys arising from the disposition made of the property after the passage of the Act. On the first day of May, 1851, another Act was passed, relinquishing to the city certain Beach and Water Lot property, upon the express condition that certain titles which had been theretofore granted by Justices of the Peace, should be confirmed. The requirement to confirm grants made by Justices of the Peace, up to March 12th, 1853, the date of the repeal of the Act of May 1st, 1851, had been wholly neglected, and up to the 25th December, 1853, comparatively but a small sum had been paid into the State Treasury under the provisions of the second section of the Act of March 26, 1851.

I would therefore recommend that the Act approved May 18, 1853, entitled "An Act to provide for the sale of the interest of the State of California in the property within the water front of the city of San Francisco, as defined in and by the Act entitled "An Act to provide for the disposition of certain property of the State of California," passed March 26, 1851, be so modified as to authorize the Board of Commissioners appointed under the Act aforesaid, to dispose of the State's remaining interest in said property, in such manner and at such times as they may deem proper and expedient.

The right of the State to dispose of the reversionary interest in the property released to the city by Act of 26th March, 1851, it is believed, cannot be questioned, and although owing to the fact that the property has been released to the city for a long term of years, the sum realized on each lot may be small, in the aggregate it will constitute an important item in meeting demands upon the State Treasury.

Persons who have purchased heretofore from the City of San Francisco, in good faith, cannot reasonably object to the sale, because by obtaining the State's remaining interest, a perfect title to their property may be acquired. On the contrary, it is presumed that they will eagerly embrace the opportunity thus offered, of extinguishing an interest adverse to their own, and which each year increases in importance, while the value of their own tenure is being as constantly decreased.

In addition to the amount derivable from the sale of lots within the limits of the proposed extension, the Government Reserves, and the State's remaining interest in the property released to the city, and sold in accordance with the provisions of the Act of March 26th, 1851, the sum of \$298,437 accrues to the State as her portion of the amount realized from sales made by the city, of this description of property, on the 26th day of December, 1853. Add to the above, the \$47,475, realized from sales of property made by the State Commissioners, and we have the sum of \$771,912, of which amount, at least \$650,000 can be applied, as received, in part payment of the Civil Debt of the State.

From all these sources the amount which will be realized, it is confidently believed, cannot be less than SEVEN MILLIONS OF DOLLARS, an amount sufficient to pay the entire debt of the State, civil and war, and leave in the Treasury a balance of more than THREE AND A HALF MILLIONS.

Before dismissing the subject, I would remark, that it may not be necessary, or advisable, to sell immediately the whole of the property within the proposed extension, but only so much as may be required to liquidate the existing State Debt; leaving the surplus to be disposed of as the future wants of the State may demand.

If, however, the prosperity of the city, and her rapidly increasing commerce, should demand the immediate sale of the whole of the property, I would respectfully suggest that the balance derived, after the payment of the Public Debt be invested in the United States six per cent. Bonds. The annual interest on the surplus of three and a half millions, as estimated, would, at six per cent., amount to \$210,000.

This sum judiciously expended annually for necessary public works, at San Francisco: in removing obstacles to the safe navigation of our rivers above ports of entry, and in improving public highways, and building bridges where necessary for



the public convenience throughout the State, in a few years, would effect a mighty change in the condition of California.

Judicious legislation alone is now wanting to secure all that is claimed, and in the premises, more than realize the expectations of our common constituents.

To meet the accruing interest on the Civil Debt, the sum of one hundred and sixty-five thousand eight hundred and fifty-five dollars and twenty cents, must each year, until the debt shall have been paid, be collected in *cash* from the people of the State.

The amount of interest accruing annually on the War Debt is \$67,495 69, which added to the interest on the Civil Debt, amounts to the sum of \$233,350 89.

With the ample resources legitimately within your reach, and to which I have directed your attention, it is hoped that you will, without unnecessary delay, adopt measures to secure the liquidation of the entire debt, as rapidly as the outstanding bonds of the State can be advantageously called in and cancelled.

With sufficient funds in the Treasury, the indebtedness of the State, it is believed, can be discharged on favorable terms by advertising for "sealed proposals for the surrender of bonds," in the manner prescribed in the ninth section of the Funding Act of 1852, and thus relieve the people from the annual payment of an onerous special tax.

Statement C, which is herewith transmitted, has been compiled with much care, and exhibits the important fact, that during the past four years, the average annual expenditures of the several Departments, collectively, and which includes the legitimate expenses of the State Government, have been five hundred and fifty-three thousand nine hundred and sixty-three dollars and ninety cents.

The receipts in the Treasury for the fiscal year, ending June 30th, 1854, are estimated at \$780,000, being an excess of \$226,000 over the average annual expenditures as exhibited by statement C.

These facts prove conclusively that by the adoption of the proposed reforms, the Government will be enabled to meet, and in *cash*, accruing demands on the Treasury, and justify a great reduction of the taxation now bearing so heavily on the people.

In my annual message, at the commencement of the last session, the attention of the Legislature was invited to the importance of making an efficient effort to obtain from the General Government, the entire amount of the "Civil Fund," the collection of which was begun in the early part of the year 1847; and a few days before the close of the session, I transmitted important papers in relation to the disposition made of this fund, [see document No. 53, appended to Senate Journal,] and again urged the Legislature to give the subject thorough investigation, and to transmit, without delay, the result of their researches to our delegation in Congress.

This fund, amounting to more than one million dollars, rightfully belongs to the State of California, and would not, it is confidently believed, be longer withheld, if all the important facts connected with its collection and disbursement were carefully prepared and forwarded to Congress.

The condition of California at the time when the collection of this fund commenced, it may be proper here to remark, was indeed peculiar. Congress had failed to legislate for the country, and the President of the United States and Secretary of the Treasury, it is understood, had both, in official communications, admitted the want of power in the proper department of the Government to collect revenue in California; and, the officers in command on the Pacific coast, could not, under their instructions, permit foreign goods to be landed without the duties having been first paid, though there was at the time a pressing demand for them in the country.

In the absence, however, of law on the subject, the civil governor assumed the responsibility, of permitting the goods to be landed, and of receiving the amount of duties fixed by the Act of 1846; and the people of California, controlled by their necessities, though without a voice in the councils of the nation, quietly acquiesced in this novel exercise of the taxing power.

This fund, collected from the people of California before the revenue laws of the United States were extended over the country—collected, in fact, without authority of law, and long before we were allowed representation at Washington, it is contended, belongs to the State of California, and should at once be refunded. The subject is commended to your consideration with the hope that an expression of opinion on the question, as well as the important facts in the case, will be carefully prepared and forwarded to our delegation in Congress.

The great necessity and importance of providing means to liquidate, and as speedily as possible, the civil debt of the State having been urged upon your early consideration, and measures recommended which, if adopted in a comparatively short period of time, will enable the agents of the State to effect that desirable object, permit me to recommend co-operation on the part of the Legislature, with our delegation in Congress, in securing the assumption by the General Government, in some form, of the existing war debt, which now amounts to the sum of \$924,250 00.

No provision has, it is true, been made for the payment of the accruing interest on the war debt, but the State, by solemn acts of legislation, stands pledged for the payment of the whole amount, principal and interest.

The present, for various reasons, is regarded as a propitious time to demand justice in the premises, at the hands of the General Government. In addition to the fact that there is now a large amount of surplus money in the treasury of the nation, and the bright promise of future increase, the immense importance of the Pacific country to the commerce, not only of the Atlantic States but of the whole eastern world—an importance now universally conceded—must tell, it is conceived, to commend our rights and interests to the immediate consideration of the General Government.

There are, however, many other and cogent reasons too, why the General Government should promptly not only assume the entire war debt, principal and interest, but also refund the whole amount of the civil fund except perhaps the sum expended in defraying the expenses of the Constitutional Convention, held at Monterey in September and October, 1849.

The important fact that California contributes annually more to the national treasury, in proportion to population, than any other State is the counter-balance, certainly entitles her to increased consideration in making disbursements from the national coffers.

The amount of revenue collected at the several ports within the State during the fiscal year ending June 30, 1853, exceeds two millions three hundred and fifty thousand dollars, an amount equal to one-sixteenth of the whole sum heretofore annually required to defray the expenses of the national government. And, the receipts of the first quarter have been so much increased as to warrant the belief that the present fiscal year the revenue collected at the different ports in California must considerably exceed three millions, being equal to an annual tax of eleven dollars and thirty-four cents upon each man, woman and child within the limits of California. The amount thus indirectly collected in the other States of the Union, averages only two dollars and thirteen cents to each man, woman and child.

It will be seen from the report of the Comptroller of State, that he estimates that the expenditures for the fiscal year ending the 30th day of June, 1854, at nine hundred and sixty thousand four hundred and fifty dollars and fifty-one cents. This estimate, though regarded as sufficiently high, is in the aggregate, only equal to one-third the amount annually contributed by the people of California for the support of the national government, and is an average tax of only three dollars and sixty-three cents on each man, woman and child within the State. Whilst State taxation is the subject of general complaint, as being exorbitant and oppressive on our people, not a murmur is heard in relation to the indirect exactions of the General Government, though three-fold greater than the amount collected for State purposes.

This mode of taxation, although perhaps not so apparent as that which is more direct and collected for the purposes of State Government, is equally onerous and oppressive. Great as is the amount thus annually exacted from the hard earnings of our people for the support of the General Government, they have acquiesced in its collection without a murmur, and now feel that they have a claim to increased consideration on the part of Congress. Again it should be remembered, in the consideration of the claims which we present, that California, though the youngest of the sovereign states, annually adds to the wealth of the nation about eighty-two millions of dollars in gold dust, being considerably more than one half of the whole sum contributed by the other states.

During the year 1852, the total amount of exports from the other thirty states was but \$154,931,147, as follows:

Cotton,	-	-	-	-	\$87,965,732
Breadstuffs,	-	-	-	-	25,857,027
Other products,	-	-	-	-	28,607,076
Tobacco,	-	-	-	-	10,031,383
Rice,	-	-	-	-	2,470,029

Total value of exports from the other thirty states, - \$154,931,147

Amount of gold dust shipped from California  
in 1853, - - - - \$57,300,399 42

Estimated amount in private hands, - - - - 25,000,000 00

Total amount of gold dust shipped in 1853, - \$82,300,399 42

These important facts obtained from official records, and reliable sources, if so presented as to induce examination of the whole subject, cannot fail, it is believed, to secure for the claims of California the favorable consideration of Congress.

In view, however, of the very many subjects, which must necessarily engage a great portion of the time and labor of our Delegation in Congress, I feel called upon to say, that I regard it as almost impossible for them to make to individual members of the two Houses of Congress the explanations requisite to a correct understanding of the question, and to remove the onerous impression created by incorrect statements, heretofore made in relation to Indian difficulties in California: and, unless full and correct information be given, and effort made to induce investigation on the part of those charged with the duty of deciding upon its merits, we can scarcely hope that our claim will be properly appreciated and favorable action secured.

The subject is, therefore, earnestly, but respectfully commended to your careful consideration, with the hope that you will devise an efficient plan of co-operation with our Delegation in Congress.

With a view to lessen the expenditures of Government, I respectively renew and earnestly invoke your attention to the recommendations made in my last annual message, in relation to amendments to the Constitution of the State, and now suggest two others, which I regard as highly important.

The first, in order that the instrument may the more perfectly conform to the spirit of our popular form of government; the second, as conducive of simplicity and economy in the administration of its affairs.

The second section of article tenth, which provides for the calling of a Convention as the mode of "revising or changing the entire Consstitution," contains no provision requiring the Convention, after closing its labors, to submit the Constitution framed, to a vote of the people of the State, at a general election.

This is certainly a radical defect, and one which should be remedied, before clothing any body of men with the power to revise or change the entire Constitution.



The Constitution, after having been framed and adopted by a Convention, permit me here to suggest, should be placed within the reach of every voter, and ample time given to examine, carefully, its principles, its provisions and its limitations, before called upon by vote, to sanction and give effect to it as fundamental and paramount law. I therefore respectfully recommend that this section be so amended as to require the Convention to submit the Constitution, after framed, to a vote of the people; the same to have no effect until adopted by a majority of the legal voters of the State, at a general election.

The twenty-first section of the eleventh article of the Constitution, provides that "all laws, decrees, regulations and provisions, which from their nature require publication shall be published in English and Spanish."

This section should be so far modified as to allow the Legislature a discretionary power as to what "laws, decrees, regulations and provisions" shall be translated and printed in the Spanish language.

The necessity of such modification is apparent from the fact that the section has heretofore, in practice, been almost wholly disregarded. And, although this requirement has been but partially complied with, so great has been the expense and inconvenience arising therefrom, that its disregard has been a matter of no surprise, but has rather been considered as the demand of necessity. In fact, had this provision been fully complied with—had all the "laws, decrees, regulations and provisions" now printed in English, been also published in Spanish, the printing account, now the subject of much complaint, would have been greatly increased in amount, to say nothing of the expense of translation which must have been thereby incurred.

In engrafting on the Constitution these highly important amendments, I recommend the mode prescribed in the first section of the tenth article of that instrument. By adopting this mode of amendment, the expense of a Convention, and the excitement incident, will be avoided, and the required changes to free the Constitution of objectionable features, secured in a shorter period of time than by the other mode provided in the second section of the same article.

The remaining reforms recommended in my last annual message, with the exception of those finally disposed of by the last Legislature, are also again recommended to your favorable consideration.

By adopting the reforms proposed, it is believed that an annual saving will be effected to the State of three hundred and seventy-one thousand seven hundred dollars, as follows, viz:

Surveyor-General,	- - - -	\$2,000
Superintendent of Public Instruction,	- - - -	4,500
Biennial sessions,	- - - -	171,000
Reduction of pay to eight dollars per day; mileage one-half,	- - - -	110,000
Limiting session to ninety days,	- - - -	43,200
Reducing transportation of prisoners from one dollar to fifty cents per mile,	- - - -	8,000
Governor's salary to \$6,000,	- - - -	4,000
Salary of Supreme Court Judges to \$6,000,	- - - -	12,000
Reducing number of District Judges from eleven to eight, about	- - - -	12,000
Salary of District Attorney of San Francisco.	- - - -	5,000
		<hr/>
		\$371,700

A general curtailment of legislative expenditures, and especially that portion of them incident to the clerical duties performed, would also seem to be absolutely necessary.



The enormous sum of one hundred and eighty-two thousand four hundred and twenty-seven dollars and forty-three cents has been paid for clerk hire and to the officers of the two Houses, during the sessions of 1852 and 1853. The amount paid last session to officers and clerks alone, was one hundred and six thousand and ninety-three dollars and seventy cents. It is true, that the Executive has no control over the action of either House, so far as the employment of clerks and officers is concerned, and that both in this matter, are as independent of the Governor as they are of each other; but as we have recently seen an effort made to hold the Executive responsible for every expenditure of public money, I may be permitted to direct your attention to the subject, and invoke your co-operation in the work of reform, so necessary to the preservation of State Credit.

The people of California not only anticipate that provision will be made during the present session for the payment of the existing State debt, but they also expect that you will, by reducing the salaries of office generally, so far lessen the expenditures of government that they will not, as heretofore, exceed the receipts into the Treasury, and that hereafter it may not be necessary to seek a market for the sale of depreciated evidences of State indebtedness. The great importance of these measures I trust, will secure your early and favorable action.

In connection with these suggestions, relative to economy and reform, permit me to remind you of the fact, that the Constitution restricts the action of the Executive in these matters, to a simple recommendation. I have now, therefore, exhausted my power. I have performed all, in the premises, authorized by the Constitution, and should my recommendations not meet with your approval, I hope some other equally efficient plan will be adopted for the relief of the State. Recommendations similar to those now urged were presented for the consideration of the last Legislature; but most of them were passed over, unheeded or neglected, and great dissatisfaction has, during the year, been manifested by our common constituents, who confidently expected that a thorough system of reform would be matured and adopted, and a consequent reduction of taxation justified.

I feel called upon to again direct your attention to our Revenue Laws, complaints against some portions of which, especially the license system, have reached me during the recess, and the question of taxation is, therefore, presented as one deserving of careful examination. In the revision of the system, I am aware that circumstances must, to some extent, control your action, but the well settled principles that taxation shall not be burthensome—that a greater amount shall not be levied than is required to defray the expenses of an economically administered Government—that it shall not be imposed to protect one interest at the expense of another; and that it shall be so assessed, as to operate as equally and uniformly upon all as possible, ought not, in any degree, be departed from in your legislation on the subject.

The agricultural interests of California, though but partially developed, is now one of conceded importance, and should as far as it can, consistently with the Constitution, be fostered by judicious legislation. The development of our agricultural resources, it is true, cannot be said to have advanced as rapidly as other of the great interests of the State. But, in view of the many and formidable existing obstacles to its rapid development, it is a matter of surprise that so large a portion of our enterprising citizens have engaged in tilling the soil, and that so many valuable improvements have already been made.

The greatest obstacles to the rapid improvement of the country, I would here remark, are to be found in the unsettled condition of land titles, and the fact that the boundaries of but few of the numerous grants throughout the State, have been defined, by proper authority. Until the titles to these grants shall have been settled and their boundaries accurately ascertained by actual survey, errors will be committed by settlers in locating pre-emption claims.

And, as it is now more than probable that many years must elapse before these

obstacles can be removed, by the final settlement of these perplexing questions, judicious legislation for the protection of the bona fide settler, would seem, in justice to the enterprising and useful portion of our people, to be absolutely necessary, just and proper.

Entertaining the opinion, that in all cases where the location has been made in good faith by the settler, under the impression that there exists no title adverse to that of the General Government, just compensation should be allowed him for all necessary and substantial improvements, in case of ejection, it is deemed a duty to commend the subject to your favorable consideration.

Before dismissing the question, however, it may be proper to add, that most of the States of the Confederacy has sanctioned the principle by legislating for the protection of the actual settler.

For details your attention is respectfully directed to the Revised Statutes of Illinois, page 211. Hutchinson's Mississippi Code, page 856. Revised Statutes of Texas, pages 969 and 970. Clay's Digest of the Laws of Alabama, pages 320 and 321. Thompson's Digest of the Laws of Florida, page 187. Revised Statutes of Ohio, pages 606 and 696. Revised Statutes of Indiana, page 800. Pennsylvania Digest by Dunlap, page 969. Revised Statutes of Missouri, pages 444 and 445.

With a view to the further encouragement of agriculturalists, and as an inducement to diversity of pursuits among the people of the State, I would respectfully call your attention to the propriety of again exerting the influence of the Legislature in an effort to obtain the passage of a law by Congress donating the public domain in California, in limited quantities, to actual settlers, as in Oregon.

There certainly exists no good reason why the Government should, in California, require from the settler one dollar and twenty-five cents per acre, and in Oregon, donate it free of charge.

The California overland emigrant travels about the same number of miles, and two-thirds of the whole distance over the same road; he encounters the same difficulties and dangers; endures similar privations and hardships; and is, moreover, subject to like expenses and sacrifices in making his arrangements at home, as well as losses on the journey.

The discrimination made by the General Government in this matter, adverse to the interests of the settler in California, is therefore regarded as exceedingly unwise, if not unjust, and I trust will be re-considered by the present Congress, and the public domain in California, as in Oregon, donated in small tracts to actual settlers.

But if Congress cannot be induced to change its policy, and donate the public domain to settlers in California, and if the present Act is to remain in force, it certainly ought to be so amended as to extend, at least another year, the time allowed for pre-emption upon *unsurveyed* lands. If this amendment be not made, and pre-emptions upon unsurveyed lands prohibited after March next, the growth and improvement of the State must be greatly retarded, and the interests of our people very injuriously affected.

By the Act of Congress, approved September 28, 1850, entitled "An Act to enable the State of Arkansas and other States to reclaim swamp lands within their limits," it is provided "that to enable the State of Arkansas, and other States, to construct the necessary levees and drains, to reclaim swamp and overflowed lands therein, the whole of these swamp and overflowed lands, made unfit thereby for cultivation, which shall remain unsold at the passage of this Act, shall be and the same are hereby granted to said States."

The second section of the Act requires the Secretary of the Interior to make out a list of the lands and a patent therefor, and transmit them to the Governors of the several States interested. Also, that the proceeds of the sale of said lands shall be

applied exclusively, as far as necessary, to reclaim such lands by means of levees and drains.

The third section provides that, "When the greater part of a legal subdivision of land is wet and unfit for cultivation, it shall be included in the list; but when a greater part of a sub-division is not of that character the whole shall be excluded."

The fourth and last section of the Act, makes its provisions applicable to all other States in which swamp and overflowed lands may be situated.

The Act is construed to include "all lands subject to periodical overflow by the influx and currents from the rivers." Lands of this description in the valley of the Mississippi pass by this grant, even though they may be cultivated for a part of the year without levee or drain.

But as they require such protection for permanent and profitable cultivation, they come within the spirit and purview of the Act, and pass to the States in which they lie, by virtue of its provisions.

The Act will doubtless receive the same construction, when its provisions shall be applied to the swamp lands in the State of California. By it, the State, it is believed, acquires absolute control of the overflowed valleys of the many streams within her limits, except so far as they may be held by private individuals.

To avail ourselves of the benefit of this Act, as suggested in my last annual message, "steps should be taken and an economical plan of operations devised, to effect the early reclamation of the lands thereby donated. Hundreds of our enterprising citizens have already located on these lands, and at considerable expense and labor, made valuable improvements thereon. Justice and sound policy require that they should be secured in their possessions on the most reasonable terms. The more liberal the terms, the more certain and prompt will be their reclamation and improvement. Their speedy settlement and cultivation is a matter of great moment to the State, because it will add immensely to the amount of taxable property; and thus, of course, greatly increase our revenue. A partial knowledge of the location of these lands, as well as careful reflection, have satisfied me that their reclamation can be best effected by donating them to actual settlers, in fixed quantities, upon the same terms that we have received them from the General Government. The State must either reclaim each tract as sold, or devise a general plan of operations, which, by means of drains or levees, will reclaim the whole. Such a work will not only require years of labor, and much more treasure than will ever be realized from their sale, but will delay their improvement and greatly retard the prosperity of the State. I, therefore, recommend the passage of an Act donating these lands to actual settlers, in quantities not exceeding three hundred and twenty acres, if such limitation be considered judicious, as a means of reclamation, upon condition that the settler shall defray the expense of selection, and within a stated period reclaim the land occupied; the land to be subject to taxation from and after the day of location."

I still adhere to the opinion expressed in my last annual message, that the "sale or lease of the mineral lands by the General Government, would exert a blighting influence upon the advancing prosperity of our growing State, and paralyze the energies of the enterprising body of men now engaged in developing the mineral resources of California. At present there are no exactions upon labor in the mines, and the reasons are, indeed, numerous and cogent why the National Government, in common justice, should impose no additional exactions upon the industry and enterprise of our people, or pursue a course of policy favored by none except those interested in the establishment of powerful monopolies, against the domination of which Government should assiduously guard.

The Legislature of 1852, it will be remembered, protested against the policy of locating the Indians within the State upon reservations of land set apart for that purpose; and that the several treaties made by the Indian Commissioners in the year 1851 and 1852, in each of which, it is believed, provision was made for a reservation of land, were all unanimously rejected by the United States Senate.



The action of the Senate was regarded by the authorities and people of California as a definite settlement of the question, rendering further action on the subject, on their part, unnecessary. But it would now seem that we were mistaken—that the wishes of the people of the State, as expressed by the Legislature of 1852, are to be disregarded, and the wise and humane policy, adopted nearly half a century ago, of locating the Indians without the limits of Sovereign States, and distant from white population, so far as California is concerned at least, is to be abandoned. The Superintendent of Indian Affairs in California, acting under a law of Congress, passed at the last session, which authorizes him to locate the various tribes, either within the State or on territory without its limits, is said now to be engaged in collecting them together with a design of locating them permanently at several points within the State. In order the more fully to understand the authority on which is based the present and contemplated action of the Superintendent of Indian Affairs, I subjoin an extract from the law of Congress, passed March 3, 1853, entitled "An Act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various tribes for the year ending June 30, 1854," viz:

"That the President of the United States, if, upon examination, he shall approve of the plan hereafter provided for the protection of the Indians" be, and he is hereby authorized to make five military reservations from the public domain in the State of California, or the territories of Utah and New Mexico, bordering on said State, for Indian purposes: *Provided*, That such reservations shall not contain more than twenty-five thousand acres in each: *And provided further*, That said reservations shall not be made upon any lands inhabited by citizens of California; and the sum of two hundred and fifty thousand dollars is hereby appropriated out of any money in the Treasury not otherwise appropriated, to defray the expense of subsisting the Indians in California, and removing them to said reservations for protection: *provided farther*, if the foregoing plan shall be adopted by the President, the three Indian agencies in California shall be thereupon abolished."

In this connection I would also call your attention to the proviso to the sixth section of an Act entitled "An Act to provide for the survey of Public Lands in California, the granting of Pre-emption Rights therein, and for other purposes," passed March third, eighteen hundred and fifty-three.

"*And provided further*, That this Act shall not be construed to authorize any settlement to be made on any tract of land in the *occupation or possession of any Indian tribe, or to grant any pre-emption right to the same*."

It will be observed that by the above proviso it is rendered at least questionable whether the United States do not fully recognize a title in the Indians to *all* lands without limitation, now in their "*occupation or possession*," and entirely preclude the possibility of their settlement by our own citizens. Should the Indians, now in the "*occupation or possession*" of lands, refuse to remove and be located on the contemplated reservations, the white settler, by the above proviso, is clearly debarred from obtaining any "*Pre-emption Right* to lands in their *occupation or possession*."

Impressed with the conviction that the policy indicated by this Act, if carried into effect, cannot fail to exercise a blighting influence on the future prosperity of California, and result in great injury to the Indians themselves, I trust you will feel called upon to assert the rights of the State, and to remonstrate against its consummation.

There certainly exists at this time no good reason for a departure, with reference to California, from the settled policy of the Government.

The plan of removing the Indian tribes, and locating them without the States, was first adopted by an Act of Congress, passed March twenty-sixth, eighteen hundred and four, and by the Act of June, eighteen hundred and thirty-four, a large section of country was laid off as Indian territory, to which the Indians east of the



Mississippi were from time to time removed. In this way the Creeks, the Cherokees, the Chickasaws, the Seminoles and other tribes were deported.

In speaking of this wise and humane policy, President Jackson, in his second Annual Message, says :

"It gives me pleasure to announce to Congress that the benevolent policy of the Government, steadily pursued for nearly thirty years, in relation to the removal of the Indians beyond the white settlements, is approaching to a happy consummation. The consequences of a speedy removal will be important to the United States, to individual States, and to the Indians themselves. It puts an end to all possible danger of collision between the authorities of the General and State Governments on account of the Indians. It will place a dense and civilized population on large tracts of land now occupied by a few savage hunters." Before concluding he announces this policy to be an "object of much solicitude," and adds: "In the consummation of a policy originating at an early period, and steadily pursued by every Administration within the present century, so just to the States, and so generous to the Indians, the Executive feels it has a right to expect the co-operation of Congress, and of all good and disinterested men. The States, moreover, have a right to demand it. It was substantially a part of the contract which made them members of the confederacy. With Georgia this is an express contract; with the new States, an implied one of equal obligation."

The Government of the United States, in pursuance of this policy, up to December, eighteen hundred and thirty-nine, had extinguished the Indian title to about one hundred and twenty millions of acres of land, at a cost of seventy-two millions five hundred and sixty thousand and fifty-six dollars, and up to the same date had removed more than forty thousand Indians to their new homes west of the Mississippi.

But, if there even existed doubts as to the "right of the State to demand their removal," the fact that by the proposed plan, "a mixed occupancy of the same territory by the white and red man is to be continued, thus jeopardizing the safety and happiness of both," ought definitely to settle the question, and induce the Government to abandon "a policy, the impracticability of which has been clearly demonstrated."

As important rights and interests of the State of California are involved in this question, it is hoped that it will receive, as it merits, your immediate as well as careful and dispassionate consideration, and that you will insist, that in California there shall be no departure from the Indian policy which has so long received the sanction of the Government of the United States.

The whole number of School Land Warrants issued under the Act of 1852, entitled "An Act to provide for the disposal of the five hundred thousand acres of land granted to the State by Act of Congress," is one thousand one hundred and twenty-seven. Of this number eight hundred and six authorize each holder to locate one hundred and sixty acres; and three hundred and twenty-one authorize each holder to locate three hundred and twenty acres. In this manner two hundred and thirty-one thousand six hundred and eighty acres have been sold.

Additional legislation on this subject may be found necessary at the present session to prevent a monopoly of these lands, and preserve inviolate the pledged faith of the State, as well as to secure the lands remaining unsold; the latter of which can be effected, either by proper amendments to the existing law, or by authorizing their selection by agents of the State.

The accruing interest on the fund realized from the sale of these lands by the constitution, is set apart for the support of Common Schools, and cannot, therefore, be appropriated to any other purpose whatever. This fund is the common inheritance of the children of the State; a fact which it is believed cannot fail to induce on your part early and decided action in the premises.

In providing for the sale of these lands it is but just to state that the Legislature

was not unmindful of other important interests, and therefore fixed the price at two dollars per acre, which, in State scrip, amounted to but a trifle, if any more than now exacted by the Government of the United States.

In framing the law so as to place this land within the reach of all desirous of engaging in the cultivation of the soil there existed another difficulty.

The Act of Congress donating the land required the State to locate not less than three hundred and twenty acres at any one point. To meet this obstacle and protect the settler, as far as possible, warrants authorizing the location of one hundred and sixty acres were issued, allowing two settlers to locate upon the same tract, in all cases necessary for their accommodation. In this manner about four hundred divisions of the amount authorized to be selected by Act of Congress have been effected, promoting materially the interests of those who were unable to purchase or who really required no more than one hundred and sixty acres.

The report of the Superintendent of Public Instruction, (see Appendix, D, No. 1,) soon to be presented, will, no doubt, contain much useful information on the subject of Common School Education. The fund set apart for this very important object, the interest on which is to be appropriated annually, now amounts to \$463,360, leaving 268,320 acres of land to be sold exclusive of the 26th and 30th sections of Public Lands, donated for the same purpose, by Act of Congress, approved March third, eighteen hundred and fifty-three. The amount of land to which the State is entitled under the Act of Congress of the third of March, eighteen hundred and fifty-three, as estimated at the office of the United States Surveyor General, is five million two hundred and one thousand two hundred and forty-four acres; (see Appendix D,) to which add the five hundred thousand acres appropriated by the Act of eighteen hundred and forty-one, and we have a grand total of five million seven hundred and one thousand two hundred and forty-four acres of School Lands, which, if sold at the price fixed in the existing law, viz: two dollars per acre, will yield the sum of eleven million four hundred and two thousand four hundred and eighty-eight dollars; the interest upon which, at seven per cent, would annually amount to the sum of seven hundred and ninety-eight thousand one hundred and seventy-four dollars and sixteen cents. A sum amply sufficient to sustain a system of popular education greatly superior to that of any of our sister States; a system entirely adequate to extend the blessings and bounties of knowledge to every family within the State.

The importance of an efficient system of education, embracing in its comprehensive and benevolent design the whole people, cannot be too often or too urgently pressed upon the consideration of their immediate representatives.

The education of the masses is intimately interwoven with the first of representative duties in a Government which has derived form and vitality from the intelligence of the people, and the future existence of which must depend, in no small degree, upon their capacity of judging and deciding correctly upon principles and measures vitally important to themselves and their country.

In the consideration of this interesting subject it should be borne in mind, not only that our Government is favorable to popular education, but that its fundamental principle, the sovereignty of the people, absolutely requires that every citizen should be well taught in all the principles of his duty. "Correct information," it has been well said, "is the indispensable condition of right action." By our wise Constitution we have given "civil omnipotence to the ballot-box." By our laws we must now give sound education to the voter, or by neglecting it, we may endanger the permanency of the free institutions, around which the brightest and "holiest hopes of humanity are clustered."

The Superintendent of Public Instruction, who, it is understood, has faithfully exerted his active energies in devising a plan to secure the intellectual culture of the rising generation, will, in his report, it is presumed, make such suggestions as will enable you to legislate intelligently on the subject, and to mature a system so pre-

et in its details as to realize fully in its great results, the expectations of those most deeply interested.

Amount of interest fund now in the Treasury, derived	
from the sale of School Lands,	\$29,951 56
collected under Revenue Law of 1852,	22,253 94
from escheated estates,	1,014 79
Total amount,	\$53,220 29

The above amount, the law provides, shall be distributed, pro rata, among the children of the State, within organized school districts, (see Appendix to Message, statement F.) Whole number of schools organized, forty-seven. Number of children returned as residing within the several school districts of the State, nine thousand and three hundred and thirty-six. Number attending school, four thousand and fifty-two.

By the twelfth section of an Act of Congress, approved March 3, 1853, entitled "An Act to provide for the survey of Public Lands in California, the granting of Pre-emption Rights thereon, and for other purposes," two entire townships, or forty-six thousand and eighty acres are donated to the State for the use of a seminary of learning; said lands to be selected by the Governor, or "such persons as he may designate," and the thirteenth section of the same Act makes a "donation of ten entire sections," or six thousand four hundred acres for the "erection of the Public Buildings of the State," to be selected in a like manner. The report of the agents appointed to make the selections for the State, above referred to, it is understood, will be received in a few weeks. If selected according to instructions the lands located will command, at public sale, at any time after the selections shall have been approved by the Secretary of the Interior, not less than fifteen dollars per acre. The sum realized from this source for seminary purposes, at fifteen dollars per acre, would be \$691,200; for Public Buildings, at fifteen dollars per acre, \$96,000.

If judiciously disposed of, the fund realized from the sale of the lands donated by the twelfth section, will be amply sufficient to enable the State to establish two Seminaries of Learning; one south of San Francisco, and the other at some suitable point in the north.

The amount donated for Public Buildings, though entirely inadequate, will materially aid in their erection.

The agents of the State have selected the lands appurtenant to the old Mission of San Luis Rey, on which are now standing buildings valued at seventy-five thousand dollars. The church building, which contains valuable paintings and other fixtures, it is presumed, the legislature will interfere with, only so far as may be necessary for its protection, but the other building, if this point should be selected for the seminary of the south, can be made available. (See Appendix E of Message; correspondence with General Hitchcock.)

The pre-requisites of securing the approval of the Secretary of the Interior, and a patent for the lands selected, from the General Government, are Executive duties, and will all be attended to at as early a period as practicable.

A thorough revision of our Militia system, is believed to be indispensably necessary. We now have on our statute books, two Acts of the Legislature: the first passed April 10, 1850, the second May 1, 1852; the provisions of which, to some extent, conflict, and yet both are in force, unless the first should be regarded as constructively repealed by the second.

Should it become necessary to call into active service the Militia of the State, this conflict of law certainly would operate as a very serious obstacle to efficient organization. By the Act of April 10, 1850, the State was divided into Divisions



and Brigades, and the Legislature the same session, under the law, elected Major and Brigadier Generals. The officers then elected, it is proper here to state, should hold their places. The Act of May 1, 1852, divides the State into seven Military Districts, the head of each to be an Aid-de-Camp with the rank of Colonel, to be appointed by the Commander-in-Chief. In this Act it is true, ample provision is made for the organization of volunteer companies, but in other important respects it is very deficient, rendering the organization of any considerable force under the law utterly impracticable.

The State of California has heretofore been compelled, almost entirely, to protect her own citizens against Indian aggressions, and in so doing has incurred a heavy debt. The United States it is true, has had forces in the country, but numerically totally inadequate to our protection.

In view of these facts and others not necessary here to communicate, it is believed that every possible encouragement, by legislation, should be extended to independent or volunteer companies, and a Militia system matured, sufficiently comprehensive in its details to combine the whole available force of the State when required for active service, now numbering over two hundred thousand men.

The warlike preparations now being made south of our borders, would seem to justify on our part at least, a more full compliance with the requirements of the Constitution and Laws of the United States on the subject of Military organization.

In this connection it is also proper to inform you, that the Legislature of 1853, by joint resolution, applied through our delegation in Congress to the President of the United States for "twenty thousand stands of arms, and one thousand Collied dragoon pistols." Believing that this important matter may not have received attention, the application was by me renewed a short time since.

The arms applied for are much required at this time. In the north the Indians continue hostile, and depredations by them are of frequent recurrence. The southern portion of the State is infested with organized bands of robbers, who are as formidable as to render the execution of the laws by the proper officers exceeding difficult and dangerous. With the arms applied for, the State could equip under the law, volunteer military organizations, at exposed points, and through them, render material aid to the civil authorities in the execution of the laws, and, in a short time, give perfect security to the people of the whole State.

It is deemed proper to inform you, that the Pacific Mail Steamship Company, though in the full enjoyment of the protection afforded by our laws, in the prosecution of an extensive and lucrative business, persist in denying the right of the State to tax their vessels, on the ground that the owners of property sought to be taxed are citizens of other States of the Confederacy, and subject to taxation on the same property in the place of their residence. It is true, that the taxes due last year were paid by the company under *protest*; but it is also true, that suits have already been instituted by them for the recovery of the whole amount paid, with interest, and the State is now compelled, at great expense, to assert her rights in the Supreme Court of the United States.

I herewith transmit for your information a copy of a report, received on the 18th of November, 1853, from General E. A. Hitchcock, commander of the Pacific Division of the Army of the United States, exhibiting the number and character of troops under his command in California, and the several points where stationed. This force, as before remarked, is entirely inadequate to the protection of the State. It will be seen, that the whole number of troops of the United States, within the limits of this State, as reported by the officer in command, is but six hundred and thirty-one. To this numerically inadequate force, is entrusted the protection of a frontier State, more than six hundred miles in length, about two hundred in width, with tribes of Indians, many of whom are hostile, along the whole extent of the eastern boundary, as well as in the extreme north and south. With a view to induce the government to augment the military force on this coast, permit me



suggest the propriety of the Legislature memorializing Congress to authorize two additional regiments to be organized for service in California.

In this connection, permit me also respectfully to suggest, that in such form as you may deem proper, it is your duty to invite the attention of Congress to the present exposed condition of our extended sea board, and to invoke them to provide as speedily as possible, the fortifications necessary to render perfectly secure, against hostile attack, the commercial emporiums of the State. At present they are in such an exposed condition, that if assailed by a hostile fleet, it would be almost impossible to prevent their entire destruction. The subject is one of such immense importance to our people and our commerce, that it need only be mentioned, it is presumed, to induce on your part the action necessary to secure its presentation in proper form, for the consideration of the General Government.

The Act entitled "An Act concerning Roads and Highways," approved April 11, 1850, it is generally maintained, requires important amendments. At the time of its passage, the country was open; few enclosures had been made, and the provisions of the Act, perhaps, fully adequate to the wants of the State. But since that time, great changes have been effected—the land in many counties is so generally fenced in or ditched, that travel is rendered difficult, and the distance between points greatly increased by the circuitous route necessarily traveled to avoid enclosures.

All necessary thoroughfares should be, not only as direct as the face of the country will admit, but well defined by competent authority. It is true, that private property cannot be applied to public use, without adequate compensation therefor; but where it is absolutely necessary for the public convenience, it can be appraised by commissioners, and its actual value paid. While no man can be divested of his property without an equivalent, private rights must yield to the public good. In some sections of the State the want of well defined highways has been the source of much inconvenience to the public; and the evil will increase until remedied by proper legislation. The subject is worthy a careful examination, and I hope will, at an early day, receive the attention it merits.

The Act entitled "An Act to provide for the Public Printing," approved April 29, 1852, authorized the Governor and Comptroller "to receive proposals, and enter into a contract with the persons proposing to do the work at the lowest and most advantageous terms to the State." After having given the notice required by law, on the designated day, the two bids received were opened and compared, and the contract awarded to the lowest bidder.

Notwithstanding the work was awarded, as required by law, to the lowest bidder, and the accounts rendered and settled, in strict conformity with the rates stipulated in the contract, the public printing is understood to have cost more in the aggregate than it would have done if executed at the prices fixed in a bill, which passed the Assembly during the same session, and for which the existing Act was substituted in the Senate.

The contract system, I would here state, after having been fully and fairly tested has been abandoned by most of the States, as well as by the National Government.

In order to remove just cause of complaint, and secure the prompt execution of the public printing on the most favorable terms possible, I would respectfully recommend the passage of an Act creating the office of State Printer, and authorizing the election of that officer by the Legislature.

Let the same Act also establish fair and reasonable prices for the different descriptions of public printing required—define the size of pages—the kind of letter to be used, respectively in Legislative reports, the laws, journals and bills—the number of *ems* each page shall contain—the matter to be as compact as possible in pages without injury to the appearance of the work, and reserve to the Comptroller, the right, in the settlement of the printing accounts, after examining carefully the work executed, to allow or refuse compensation for blank pages.

The fact, that at the time the existing contract for public printing was entered into, State scrip did not command, in the market, more than seventy-five cents of the dollar, and that now ninety-three can readily be obtained, would alone justify considerable reduction in prices.

The exercise of proper care and judgment, both as to matter and amount, in ordering printing to be executed, permit me here to remark, is equally as necessary as a measure of reform, as the reduction of prices to a fair cash standard. It is believed, that heretofore, more printing has been ordered and executed during the session than was absolutely required for the information of the people, or to facilitate and secure enlightened legislation. By the exercise of sound discretion in this respect, the amount of printing, no doubt, can be greatly reduced.

The reforms and reductions proposed, would, it is anticipated, in the aggregate lessen the expenditures for public printing, considerably more than one third the whole amount now paid.

The last Legislature having adjourned without electing a Quarter Master General, and the Physicians and Trustees for the State Marine Hospital in the city of San Francisco, and the Asylum for the Insane at Stockton, as required by law, the duty of filling these vacancies, until the meeting of the present Legislature, devolved on the Executive.

The appointments were made, and the incumbents will hold their offices until their successors shall have been elected by the Legislature. It is hoped that this important matter will receive immediate attention.

In California, the afflicted and infirm have ever been the objects of peculiar care and protection. To the appeals of the sick and destitute, the aged and infirm, the young and helpless, the hearts of our people have ever been open, and the hand of charity freely extended.

Private benevolence has done much, and will, doubtless, do more, towards alleviating the wants of suffering humanity in our midst; but to the State do the people look for that extended aid to the sick and insane, which their condition and necessities demand.

In providing for the sick and insane, large sums of money have been annually expended by the State, and a portion of the existing debt thereby incurred. The State Marine Hospital has, during the year, cost the State more than forty thousand dollars, over and above the amount of the special tax allotted to it by law.

The Insane Asylum, at Stockton, including the buildings erected, has also during the year, cost the State a large sum from the General Fund.

If possible, provision should be made for a more economical administration of these institutions, and expenditures so far reduced, at least, as hereafter to render unnecessary appropriations from the General Fund.

During the year, about seventy-five thousand dollars have been paid from the General Fund in erecting buildings for the insane, in the city of Stockton. The principal, or brick edifice, is one hundred and thirty feet in length, fifty feet in width, two stories high, is well finished and furnished, and the interior arrangements admirably adapted to the purpose for which it was erected. The other, a frame structure, is forty feet square, and well finished. There are about one hundred acres of very superior land attached to the asylum, a small portion of which has been enclosed.

The whole number of insane in the establishment on the 15th of December, 1853, was one hundred and one—ninety-one males and ten females.

The whole number of patients admitted into the State Marine Hospital at San Francisco, since the 1st of July last, was fourteen hundred and forty-five males, and forty-two females. On the 23d of December, 1853, there were in the Hospital three hundred male patients, and eleven females. Of the whole number admitted since July, nine hundred and twenty-one were patients for the support of whom the city of San Francisco is responsible to the State.

The Act entitled "An Act to provide for the erection of a State Prison," passed May 1st, 1852, it will be recollected, was repealed by the last Legislature, and the contract, which had been made in pursuance of it, declared null and void.

By an Act passed May 11th, 1853, entitled "An Act providing for the erection of a State Prison, and declaring null and void the existing State Prison contract," the Lieutenant Governor, Secretary of State and Treasurer of State, were constituted a Board of Commissioners, and authorized to enter into a new contract for prison buildings, of sufficient dimensions to accommodate about two hundred and fifty prisoners. The Board of Commissioners, as authorized by the Act, on the 5th day of July, entered into a contract with Thomas D. Johns for the requisite prison buildings.

The building authorized by the contract to be erected, it is understood, will be completed and ready for occupancy in about ten days. When reported finished by the contractor, the work will be carefully examined by the Commissioners, and if found to be executed according to contract, will be received by them, on behalf of the State.

The whole number of convicts, on the 30th of December, was two hundred and forty-two; two hundred and forty males and two females.

The project of connecting the Pacific with the Atlantic ocean, by means of a rail road across the continent, it can, with truth be said, is favored by the whole people of California; and they, too, are as deeply interested in its speedy completion as those of any other section of the Union. The subject during the past year has engaged so much of their attention, that it would be superfluous, at this time, for me to point out, at length, the great commercial advantages to be derived from it, or to present facts demonstrative of its practicability. The people of this, the youngest of the sovereign States, properly appreciate the importance of this great work to the Union; and they unanimously favor it, not only as a measure which must incalculably advance all the great interests of the Pacific country, and add greatly to its wealth and prosperity, but because it will connect in interest, as they are now united in feeling, the people of the extreme sections of this great confederacy. So far as California is concerned, it is only necessary to give the assurance that her aid will be cheerfully extended, in every form consistent with her own, and the Constitution of the United States.

The establishment of regular oceanic communication, by steam, between San Francisco and Asia and the Indies, is regarded as a matter of vital importance to California. Regular communication, by steam, with the principal ports of the eastern world, cannot fail to promote friendly relations, and, consequently, greatly increase our commerce.

That it is the province of Congress, in some form, to aid in the consummation of this great project, is most true, but in view of its immense importance to our commerce, I cannot refrain from suggesting such an expression of opinion on the subject, on your part, as will clearly and unmistakably indicate the anxiety of our people for the success of an enterprise, which must add to our present wealth, and eventually secure for our country a trade for centuries coveted, and in turn possessed in part, by the different commercial nations of the globe.

The improvement of the Sacramento and San Joaquin rivers, is a subject worthy of careful examination. The expenditure of a comparatively small sum in improving the "Slough," and removing the bar in the Sacramento river, at the mouth of Cache creek, and in making the channel of the San Joaquin more direct for about thirty miles, would render the navigation of these rivers safe and easy at all seasons of the year, for steamers of the largest class.

The appropriations suggested, it is contended, can be made without infringement upon constitutional restrictions. Sacramento and Stockton have by law, been declared "Ports of Entry," and vessels can, and frequently do, clear from Atlantic and foreign ports direct for both these growing cities.



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The expenditure of a few hundred thousand dollars from the National Treasury, in improving these rivers, it is therefore maintained, would not only result in great benefit to the people of the State, but promote the interests of commerce, which the Constitution declares "shall be regulated by Congress."

The Sacramento, San Joaquin and Feather rivers, all require considerable improvement at points above "Ports of Entry," to render navigation easy and less hazardous, at certain seasons of the year; but these improvements must be provided for, either by appropriations directly from the treasury of the State, which it is hoped can, a year or two hence, be done without detriment to the public interests, or by the assessment of a light tonnage tax, which the Constitution clearly authorizes, and which in a few years, would yield a fund amply sufficient to perfect the improvements necessary to render their navigation certain at all seasons.

The report of the Commissioners appointed under an Act entitled "An Act to provide for the sale of the interest of the State within the water front of the city of San Francisco, as defined in the Act of 26th of March, 1851," will soon be transmitted.

Two sales have been held, at which sixty-two lots were sold for the sum of \$173,475.

Injunctions issued by the Judge of the Superior Court of San Francisco, for some time interfered with their action, and prevented them from effecting a third sale, as intended, before the meeting of the Legislature. It is now believed, however, that no further opposition will be made to the sale of the State's interest in the Government Reserves; and that, if permitted to proceed without further molestation, they will be able to dispose of the whole property, including the State's reversionary interest in the lots released to the city by the Act of March 26, 1851, before the first of January, 1855.

To the able report of the Comptroller of State you are respectfully referred, for indispensable statistical information in relation to the receipts and expenditures of the last year, and valuable suggestions in regard to the collection and disbursement of the revenues of the State.

The Annual Report of the Surveyor General, herewith transmitted, contains suggestions of importance, and I would especially invite your attention to that portion of the report relative to the "floating" of School Land Warrants, and the location in two or more different counties of the same warrant. The amendments to the existing law, proposed by the Surveyor General, are recommended as important and necessary.

Copies of the Annual Reports of the Treasurer of State, Attorney General, and Quartermaster General, are also herewith transmitted. These reports contain interesting statistical and other valuable information.

Copies of communications from the Secretary of the Navy and the Attorney General of the United States, in relation to the State's interest in Mare island, are herewith transmitted. (See Senate Appendix, Doc. No. 5.) The Attorney General, in his communication to the Secretary of the Navy, it will be seen, suggests as an "indispensable pre-requisite to any lawful expenditure of public money on Mare island, that the State of California be invited to relinquish to the United States whatever claim, if any, she may have to the "shores, or the overflowed lands of Mare island." The General Government, it is maintained, cannot appropriate to its use that portion of the property most required for the public works at Mare island, without the consent of the State.

The subject is of some importance, and, I trust, will engage your immediate attention, so that I may be enabled to communicate, at an early day, your decision in the matter, to the Secretary of the Navy.

Although deeply impressed with the importance, as well as the necessity of economizing in every department of the State Government, I feel it incumbent upon me to direct your attention to the insecure condition of the public archives. The entire

public records, as well as the State Library, now numbering about four thousand volumes, are kept in fragile frame buildings, without fire-proof vaults or safes.

The public records are now invaluable, and if destroyed, could not be replaced, and their loss would involve the State and individuals in serious difficulties. In the other States of the Confederacy, the officers of State are provided with substantial brick or stone buildings, and the public records rendered entirely secure by being deposited in fire-proof vaults or safes provided for that purpose. In this truly important matter, we are admonished of the necessity of increased safeguards by the many and terrible conflagrations which have occurred during the past year. I trust, therefore, that you will, without delay, adopt such measures as you may deem necessary to render entirely secure the public archives in the several offices, and also the State Library.

An Act entitled "An Act to regulate fees in office," approved May 1, 1851, requires careful revision and radical change. The fees authorized to be collected are exorbitant, amounting in some cases almost to an absolute denial of justice. The reduction in necessary expenses of every character, since the passage of the Act, has been so great, that the public officer can now render the services required by law, for much less compensation. I trust, therefore, that the subject will receive attention, and the Act referred to so modified as to remove just cause of complaint.

The attorneys' fees allowed by an Act, entitled "An Act to regulate proceedings in civil cases in Courts of Justice in this State," approved April 15, 1851, are also the subject of general complaint, and, in fact, are enormous, considering the service rendered. I would, therefore, respectfully suggest that this Act be so amended as to allow the plaintiff's attorney, in suits for the recovery of money, to collect from the defendant a reasonable per centage on the amount recovered, leaving fees in all other cases matter of contract, and payable by clients.

The report of the Joint Committee, appointed at the last session of the Legislature to investigate the books and papers in the offices of the Comptroller and Treasurer of the State, is herewith transmitted. The Committee have been thorough in their investigations, and the facts, by them reported, are not only important to the people of the State, but will materially aid you in the discharge of your legislative duties. The recommendations of the Committee are worthy of careful consideration, and I would especially call attention to their suggestions in relation to *cash* payments from the Treasury.

A communication from the Secretary of State of the United States, dated Washington City, October 19, 1853, inviting the attention of the Executive to the seventh article of a "Consular Convention between the United States of America and His Majesty the Emperor of the French," and the reply of the Executive thereto, are herewith transmitted.

A copy of the article referred to in the communication of the Secretary of State, is also transmitted for your information.

Having fully and unreservedly expressed my own views in relation to the more important subjects, which, it is expected, will engage your earnest deliberations, and recommended measures for your approval, which, after thorough investigation and mature reflection, have the sanction of my own judgment, it only remains for me, in conclusion, to give assurance of my entire willingness to co-operate with you in the consummation of every measure regarded as necessary to the future prosperity and greatness of the State, and the welfare and happiness of the whole people.

Imploring the Great Creator of the Universe to direct you in all your deliberations, the rights, interests, and honor of the free people of a sovereign State are committed to your enlightened and protecting care.

JOHN BIGLER.



## APPENDIX TO GOVERNOR'S MESSAGE.

## STATEMENT A.

*Exhibiting the amount of indebtedness incurred prior to January 1, 1852, and audited, and paid after that date.*

War Bonds issued for service in 1850 and 1851,	-	-	\$478,883 86
Hospitals under Act of 1851,	-	-	351,618 36
B. B. Buchanan, keeping prisoners 1850 and 1851,	-	-	26,883 00
P. Dunlap,	-	-	20,000 00
J. C. Hays,	-	-	6,062 00
R. P. Ashe,	-	-	4,331 00
James Burney,	-	-	3,601 00
George Work,	-	-	10,000 00
Laws and Journals of 1851,	-	-	39,557 08
Spanish Laws of 1851,	-	-	8,277 75
Spanish Laws of 1851,	-	-	1,719 00
Translation of do.,	-	-	4,136 70
For disbanding troops called out in 1851, at Los Angeles, under Gen. Bean,	-	-	435 00
E. D. Hammond, expenses of removal from San Jose,	-	-	170 00
W. M. Smith, expenses of removal from San Jose,	-	-	170 00
A. G. Kimball, expenses of removal from San Jose,	-	-	150 00
W. Van Voorhies, expenses of removal from San Jose,	-	-	150 00
W. G. Marcy, expenses of trip in 1850 to Monterey, for State Archives,	-	-	96 00
E. J. C. Kewen, Attorney General, 1850,	-	-	1,500 00
B. B. Chapman, lost Warrant, 1851,	-	-	781 00
W. P. Hartnell, extra translating, 1851,	-	-	691 00
J. F. Howe, Private Secretary to Gov. McDougal,	-	-	250 00
J. R. Shaefer, District Attorney, 1850,	-	-	500 00
Balance due for publishing Laws of 1851 in newspapers,	-	-	8,400 00
District Attorney for 1851,	-	-	26,934 21
Lithographing Funding Bonds of 1851,	-	-	1,500 00
Traveling expenses in procuring Bonds of 1851,	-	-	150 00
Reward paid Nicholas Blair,	-	-	500 00
Reward paid J. F. McFarland,	-	-	500 00
Reward paid J. H. Bean,	-	-	1,000 00
A. G. Kimball, for distributing Laws and Journals, 1851,	-	-	1,000 00
Morton Reveau & Co., for State Bonds of 1851, destroyed,	-	-	915 00
Elean Heydenfeldt, by order of Supreme Court, 1851,	-	-	4,020 00
E. H. Tharp, fees as Clerk of Supreme Court, 1850 and 1851,	-	-	1,000 00
For indexing and removing Archives from Monterey, 1850,	-	-	1,000 00
Robert Hopkins, arresting a fugitive from justice, 1851,	-	-	115 00
W. J. Whitney, for furniture for Senate and Assembly, 1851,	-	-	23,781 85



## STATEMENT A.—Continued.

Tobin & Duncan, for chairs, &c.,	-	-	-	1,232 00
Green and Baldwin, as committee to select public grounds at Vallejo,	-	-	-	600 00
Soule & Page, lumber furnished State at Vallejo,	-	-	-	1,622 38
Lovett & Co., lumber furnished State at Vallejo,	-	-	-	365 90
J. Hammond, lumber furnished State at Vallejo,	-	-	-	369 96
Ed. Barry, for carpenters' work at Vallejo,	-	-	-	2,039 00
C. H. Veeder, services rendered at Vallejo,	-	-	-	205 00
M. C. Dougherty, services rendered at Vallejo,	-	-	-	75 00
Thomas J. Green, services rendered at Vallejo,	-	-	-	253 80
J. B. Clement's judgment against Town Council of Stockton, under Act 1851,	-	-	-	2,613 60
Patrick Gallagher,	-	-	-	300 00
Margaret Francis,	-	-	-	300 00
M. F. Robinson,	-	-	-	1,166 00
Wm. H. Cressy,	-	-	-	200 00
C. L. Williams,	-	-	-	300 00
Jackson Sellers,	-	-	-	200 00
J. F. Stephenson,	-	-	-	210 00
Russell & Scott,	-	-	-	2,100 00
John Flood,	-	-	-	300 00
A. A. Brinsmade,	-	-	-	200 00
Jesse D. Carr, for lost Warrants, 1851,	-	-	-	1,097 00
M. C. Dougherty, service, 1851,	-	-	-	125 00
Capt. Card,	-	-	-	790 00
William Rogers,	-	-	-	250 00
Lorenzo Hubbard, rents, 1851,	-	-	-	1,058 00
Taaffe & McCahill, carpets, 1851,	-	-	-	2,056 00
Cronin, Markley & Co., materials,	-	-	-	900 00
L. McMahon, materials,	-	-	-	80 00
W. A. Halley & Co., materials,	-	-	-	30 00
Cooke & Le Count, materials,	-	-	-	472 50
Lyman Leslie, materials,	-	-	-	10 00
L. Hasleton, materials,	-	-	-	30 00
Rogers & Palmer, materials,	-	-	-	90 00
Hinckley & Davis, materials,	-	-	-	39 00
				<hr/>
				\$1,052,490 92

The foregoing statement is correct, as appears from the records of this office.

WINSLOW S. PIERCE,  
Comptroller of State.

## STATEMENT B.

*Exhibiting the appropriations made by the Legislature during the years 1852 and 1853, for special objects, having no necessary connection with the administration of the State Government.*

Appropriation for the purchase of Hospital Buildings at Sacramento, 1852,	\$25,000 00
" for relief of Overland Immigrants,	25,000 00
" building of State Hospital at Stockton,	15,000 00
" " for Insane " " " " " "	10,000 00
" support of Insane,	7,500 00
" removal " to Stockton,	1,000 00
" State Prison Ground,	10,000 00
" Map of the State,	3,000 00
" support of Indigent Sick at San Diego,	2,000 00
" blocks of Marble for Washington Monument,	12,000 00
" State Hospital Building, Stockton, 1853,	30,000 00
" Insane Asylum " " " " " "	50,000 00
" State Marine Hospital, under 26th section of Act of 1853,	42,819 78
" building of State Prison,	153,315 00
" Wm. Waldo for relief of Immigrants,	27,000 00
" E. C. Pickett, relief of Sick,	9,500 00
" J. B. Trask, Geological Survey,	2,000 00
" Dr. J. B. Monnett, service to sick Immigrants,	1,000 00
" Dr. A. G. Hartt, " " " " " "	596 00
" Joseph Walker, for exploring Mountain Pass,	500 00
" R. Clarke and Wm. Cranc for Plan of State Prison,	620 00
" Capt. Love's Ranger's,	9,000 00
<b>Total,</b>	<b>\$436,350 78</b>

## STATEMENT C.

*Exhibiting the Amount of Expenses incurred by the several Departments of Government, annually, since its organization.*

## LEGISLATURE, (PRINTING INCLUDED.)

Session of 1850,	\$320,144 46
" 1851,	375,929 23
" 1852,	409,008 82
" 1853,	389,619 48
	<b>\$1,494,701 99</b>

## STATEMENT C.—Continued.

## EXECUTIVE DEPARTMENT.

Salaries of State Officers and Contingents,	1850,	-	-	\$26,568 50
“ “ “	1851,	-	-	65,870 00
“ “ “	1852,	-	-	94,600 00
“ “ “	1853,	-	-	102,607 04
				<hr/>
				\$289,645 34

## JUDICIARY.

Salary of Judges and Contingents,	1850,	-	-	-	\$26,996 50
"	"	"	1851,	-	135,915 00
"	"	"	1852,	-	142,000 00
"	"	"	1853,	-	126,697 09
					<hr/>
					\$431,508 59

Total Amount of Expenditure in four years, \$2,215,855 62, averaging \$553,963 90 per annum.

{Copy.]

D.

## SCHOOL LANDS.

U. S. SURVEYOR GENERAL'S OFFICE, }  
*San Francisco, Cal. Oct. 8, 1853.* }

DEAR SIR :

Yours of the 7th (yesterday) is at hand, in which you express a desire to ascertain as accurately as possible, the number of acres of land, the State will be entitled to under the laws of Congress, granting section 16 and 36 in each township, for school purposes.

At present we have no means in this office, from actual survey, of ascertaining the precise area of the State, but assuming the estimate of Mr. Eddy, the late State Surveyor General, as correct, we have for the area 146,285 square miles equal to 93,662,400 acres.

The State being entitled to two sections from each township of thirty-six sections, or one eighteenth of the whole: the State's proportion will be five million two hundred and one thousand, two hundred and forty-four acres (5,201,244.)

I am Sir, very respectfully,

Your obedient servant,

LEANDER RANSOM

HON. JOHN BIGLER,  
 Benicia, California.



[Copy.]

E.

## SEMINARY LANDS.

EXECUTIVE DEPARTMENT.

*Benicia, October 6, 1852.* }

GEN. E. A. HITCHCOCK,

SIR :

I have been informed that you, as Commander of the Pacific Division, have possession of the Mission at San Luis Rey and the land appurtenant thereto, and that you are willing to give the possession of the same to the State, upon condition that the troops now quartered there, be permitted to remain until required elsewhere, or until the necessity of their remaining at that place shall cease. An early reply, as to the correctness of this information, is respectfully requested.

Very respectfully yours, etc.,

JOHN BIGLER.

GEN. E. A. HITCHCOCK,  
Commander of the Pacific Division,  
San Francisco, California.

HEAD QUARTERS, PACIFIC DIVISION,  
*San Francisco, October, 10, 1853* }

His Excellency, JOHN BIGLER,  
Governor of California.

SIR :

I have just this moment had the honor to receive your Excellency's communication of the 6th instant, in regard to the mission of San Luis Rey, and beg to say that in conversation with distinguished gentlemen, having the interest of the State at heart, I have expressed my willingness to aid the Executive of the State in appropriating the lands known as the Mission of San Luis Rey, for the establishment of an institution of learning, so far as might be in my power, subject to the approval of the Government of the United States. For this purpose I am willing to give possession of the place to your Excellency, or your properly authorized agent on behalf of the State, subject to approval at Washington, reserving the right to quarter and accommodate there so long as may be necessary in the judgment of the Commanding officer of the United States troops in the Division embracing that point. Should you think proper to depute an agent to receive the Mission, I will thank you to state in your warrant, the object in view, in conformity with which, I will take a receipt, which I will transmit to the Government at Washington, recommending its sanction.

I have the honor to be, very respectfully, your obedient servant,

E. A. HITCHCOCK,  
Col. 2d Infantry, B. B. Gen. Com.

JAN. 4.]

39

EXECUTIVE DEPARTMENT,  
*Benicia, October 11, 1853.* }

GEN. E. A. HITCHCOCK,  
Commander Pacific Division, U. S. A.

SIR :

Your favor of the 10th instant is before me. In reply, I have the honor to state, that by the 12th section of an Act of Congress entitled "An Act to provide for the Survey of Public Lands in California, the granting of Pre-Emption Rights therein, and for other purposes," approved March 3, 1853—the Governor of the State of California, or any other person he may designate for that purpose, is authorized to select two entire townships, or seventy-two sections, for the use of a Seminary of Learning. I desire to select the Mission of San Luis Rey, and lands appurtenant, under the section of the Act of Congress referred to above. I hereby assent to your request in relation to the quartering troops at the Mission, so long as it may, in the opinion of the commanding officer, be necessary.

In conclusion, allow me to take this opportunity of returning you my sincere thanks for the interest you have so kindly and frequently manifested in the welfare and prosperity of this State.

I have the honor to be, very respectfully,

Your obedient servant,

JOHN BIGLER.

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HEAD QUARTERS, PACIFIC DIVISION,  
*San Francisco, October 12, 1853.* }

His Excellency, JOHN BIGLER,  
Governor of California.

SIR :

I have the honor to acknowledge the receipt of your Excellency's communication of the 11th inst, expressing your desire to select the Mission of San Luis Rey, and the lands appurtenant thereto, for a Seminary of Learning, as authorized by the 12th section of the Act of Congress, approved March 3, 1852, and to say that so far as I can aid in the execution of your wishes it will afford me great pleasure to do so, and for this purpose I will place in possession of the Mission any person you may name to receive it. As indicated in my letter of the 7th instant, I will forward the papers in the case for approval at Washington City.

I have the honor to be, Sir, very respectfully,

Your ob't servant,

E. A. HITCHCOCK,  
Col. 2d Regiment, B. B. General Commanding.

[DUPLICATE]

HEAD QUARTERS, PACIFIC DIVISION,  
*San Francisco, October 26, 1853.* }

SIR :

The Hon. J. J. Warner has exhibited to the Brigadier General commanding, an appointment as Commissioner from His Excellency Governor Bigler, empowering him to select the lands donated by Act of Congress, passed March 3, 1853, to the State of California, for a State University, and Col. Warner has expressed his purpose of executing the wishes of the Governor, as communicated to the General October 11, 1853, to select the Mission of San Luis Rey, under this commission.

The General desires you to detach an officer on the application of Col. Warner, who will proceed to the said Mission, and deliver the possession of it to him, for the purpose expressed in his commission, taking a receipt from him for the same, subject to the approval of the Government of the United States.

The officer will then remove the detachment of troops now at the Mission, and report with it at the Mission of San Diego.

I am, Sir, very respectfully,

Your obedient servant,

E. D. TOWNSEND,

Ass't Adjutant General.

Capt. H. S. BURTON, Third Artillery,  
 Mission San Diego.

HEAD QUARTERS, DEPARTMENT OF THE PACIFIC, }  
*San Francisco, December 19, 1853.* }

SIR :

I have the honor to acknowledge the receipt of your Excellency's communication of the 17th instant, in reference to the Mission of San Luis Rey, and enclose herewith a duplicate of an order furnished to Col. Warner, which I suppose would answer the purpose desired, and with it I send another order for you to place in the hands of any person or persons you may direct as Commissioners to take possession of the Mission in the name of the State. If your Excellency will please send both orders at the same time, there can be no further difficulty.

Col. Warner, I presume, has not been to the Mission.

Very respectfully,

Your obedient servant,

E. A. HITCHCOCK,

Br't Brig. Gen'l Commanding.

His Excellency, JOHN BIGLER,  
 Governor of California.



HEAD QUARTERS, DEPARTMENT OF THE PACIFIC, }  
*San Francisco, Dec. 19, 1853.* }

SIR :

The General Commanding directs that, should any person exhibit authority from the Governor of this State to receive the Mission of San Luis Rey, on behalf of the State, you take measures to execute instructions of the 26th of October, delivered to the Hon. J. J. Warner, for you, a duplicate of which is herewith enclosed.

I am, sir, your obedient servant,

E. D. TOWNSEND,  
 Assistant Adjutant General.

Capt. H. S. BURTON, Third Artillery,  
 Commanding Mission, San Diego, Cal.

### STATEMENT F

*Exhibiting the amount of School Fund distributed on the 1st of January, 1854, being five dollars sixty cents and two mills to each child returned as within organized School Districts, as follows:*

Counties.	No. Children.	Amount.
Butte, - - - - -	55	\$306 16
Calaveras, - - - - -	209	1,170 96
Contra Costa, - - - - -	258	1,445 51
Humboldt, - - - - -	54	302 55
Klamath, - - - - -	31	173 70
Los Angeles, - - - - -	721	4,039 56
Mariposa, - - - - -	40	224 12
Monterey, - - - - -	507	2,844 59
Nevada, - - - - -	193	1,081 32
Placer, - - - - -	95	532 27
Sacramento, - - - - -	133	745 16
San Bernardino, - - - - -	196	1,098 13
San Francisco, - - - - -	3,252	18,220 04
San Joaquin, - - - - -	571	3,199 14
San Luis Obispo, - - - - -	300	1,680 82
Santa Clara, - - - - -	1,298	7,272 29
Santa Cruz, - - - - -	243	1,361 44
Santa Barbara, - - - - -	347	1,944 15
Shasta, - - - - -	194	1,086 91
Sierra, - - - - -	44	246 52
Siskiyou, - - - - -	70	392 19
Solano, - - - - -	312	1,348 02
Sonoma, - - - - -	99	554 66
Trinity, - - - - -	35	196 10
Yuba, - - - - -	242	1,355 99

Mr. McBrayer offered the following, which was adopted :

*Resolved*, That the Sergeant-at-Arms be directed to make arrangements with the Express Companies to pay the charges on all mailable matter received by or sent from members by Express: *Provided*, That charges on any communications, shall not exceed the amount that United States postage would be upon the same matter.

The following message was received from the Senate :

MR. SPEAKER :

I am instructed to inform the Assembly, that the Senate have concurred in their resolution to meet in convention, to-morrow, for the purpose of canvassing the election returns for Governor and Lieutenant Governor of the State.

JOHN Y. LIND, Secretary.

Mr. Hoff gave notice that, at an early day, he would introduce a bill to provide for the creation of the office of State Geologist.

Also ; an Act to define the rights of persons to Public Lands in mining districts. On motion of Mr. Mandeville, the House adjourned until 10 o'clock to-morrow.

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## HOUSE OF ASSEMBLY.

FRIDAY, January 6, 1854.

House met pursuant to adjournment.

The roll was called by the Clerk, and a quorum was in attendance, whereupon the Speaker pronounced the House ready to proceed to business.

The Journal of Thursday was read and approved.

Mr. Godard offered the following, which was adopted.

*Resolved*, That the Sergeant-at-Arms be instructed to purchase a suitable clock, to be placed in some conspicuous place, by which to regulate the hours of meeting and adjournment.

Mr. Ashley offered the following, which was adopted.

*Resolved*, That five hundred copies each of the Annual Reports of the State Comptroller, Treasurer, and Surveyor General, for the year 1853, be printed for the use of this House.

Mr. Mandeville moved to reconsider the vote just taken.

Vote reconsidered.

Mr. Mandeville offered the following as an amendment to the above :

*Resolved*, That three thousand copies of the Comptroller's Report, one thousand copies of the Treasurer's Report, and four hundred and eighty copies of the Surveyor General's Report, be printed in English for the use of the Assembly.

Adopted.

Mr. James gave notice that he would at an early day, introduce a bill for an Act to amend section 1, article 8, of an Act entitled an Act to provide Revenue for the support of the Government of this State, passed May 18, 1853.

Also, a bill for an Act to appropriate the revenue received for poll tax on roads and public highways.

Mr. Dawley gave notice that he would at an early day, introduce a bill for the protection of holders of building lots in the mining districts.

Mr. Whipple gave notice that he would, at an early day, introduce a bill allowing the Treasurer of Klamath county until the first of March to make his settlement with the Treasurer of State.

Mr. Kellogg gave notice that he would, at an early day, introduce a bill to provide for the settlement of the debt due from Nevada to Yuba county.

Also, to provide for the payment of the debt due from Sierra to Yuba county.

The following message was received from the Senate :

Mr. Speaker :

I am instructed to inform the Assembly that the Senate have passed the accompanying concurrent resolution and request the concurrence of the Assembly.

JOHN Y. LIND, Secretary.

Concurrent resolution of the Senate, appointing a Joint Committee upon Joint Rules, amended to increase the number of the committee to five, and adopted.

Mr. Griffith gave notice that at an early day he will introduce a bill to amend an Act entitled an Act to fix the times for holding the terms of the District Court throughout this State, approved May 18, 1853.

Mr. Hunter offered the following, which was adopted.

*Resolved*, That five hundred copies of each, the Comptroller's, Treasurer's and Surveyor General's Report be published in Spanish for the use of this House.

Mr. Clingan gave notice that at an early day he would introduce a bill to change the boundaries of Marin county and extend the jurisdiction of said county further into the Bay of San Francisco.

Mr. Mandeville gave notice that he would at an early day, introduce a bill to amend an Act entitled an Act to provide for the protection of foreigners, and define their liabilities and privileges, approved March 30, 1853.

Mr. Letcher introduced a joint resolution of instructions to our Senators and Representatives, in reference to the public domain.

Read first and second time and ordered to a third reading on to-morrow.

Mr. Bowie introduced a joint resolution of instructions to our Senators and Representatives in Congress, in reference to an increase in the mail service.

Read first and second time, and ordered to a third reading on to-morrow.

Mr. Bowie introduced a joint resolution to our Senators and Representatives, in reference to the establishment of mail communication between San Francisco and China via the Sandwich Islands.



Read first and second time, and ordered to a third reading on to-morrow.

Mr. Hoff gave notice that an early day he would introduce a bill to amend an Act entitled an Act amendatory of and supplementary to an Act entitled an Act to establish a system of Common Schools.

The following message was received from the Governor :

I have the honor herewith to transmit a copy of an important communication received on the 5th inst. from the Hon. S. A. McMeans, Treasurer of State, representing the tenement occupied by him as an office, as well as the iron safe, in which most of the valuable effects of the office are deposited, as entirely insecure. Convinced from actual examination of the great necessity of increased safeguards, the communication of the Treasurer is commended to your favorable consideration.

JOHN BIGLER.

Communication from A. S. McMeans, State Treasurer, read, and on motion, laid on the table.

A message was received from the Governor transmitting propositions from the county and city of Sacramento to the Legislature, requesting them to move and hold the present session in the city of Sacramento. Documents read, and, upon motion, laid upon the table.

On motion of Mr. Conness, the House took a recess until 12 o'clock M.

12 O'CLOCK, M.

House met pursuant to adjournment.

The Senators appeared and took their seats in Joint Convention, to canvass the vote of the State for Governor and Lieutenant Governor.

On motion of Mr. Sprague, two tellers were appointed : Messrs. Coffroth, of the Senate, and Bostwick, of the House, to act as tellers, in conjunction with the Secretary and Clerk.

The Speaker then announced the following votes :

Counties.	GOVERNOR.		LIEUT. GOVERNOR.	
	Bigler.	Waldo.	Purdy.	Eno.
Placer, - - -	1,929	1,696	2,057	1,624
Santa Cruz, - - -	341	429	397	388
Trinity, - - -	748	581	770	565
Shasta, - - -	817	714	890	684
Solano, - - -	541	532	604	474
El Dorado, - - -	4,373	4,219	4,622	4,050
Colusi, - - -	165	261	217	250
Napa, - - -	173	393	241	337
San Francisco, - - -	5,480	5,475	7,999	3,139
Alameda, - - -	551	418	497	474
Santa Barbara, - - -	184	103	219	69
Sacramento, - - -	3,276	3,322	3,417	3,216
Los Angeles, - - -	477	233	488	222
Butte,				

When this county was called, objection being made by Senator Wade, the question was submitted to the convention whether the vote from that county should be counted. Senator Wade and other members demanded the ayes and noes.

Those who voted to have the vote of Butte counted were :

Messrs. Bryan, Coffroth, Colby, Crenshaw, Gardner, De La Guerra, Hagar, Hook, Keene, Kendall, Leake, Lent, Livermore, Mahoney, May, Moore, McFarland, Sprague, Stebbins, Tuttle, Walkup, of the Senate, and

Messrs. Anderson, Ashley, Aylett, Ballou, Bennett, Bostwick, Briggs, Carr, Carrillo, Conness, Cornwall, Dannels, Davidson, Dawley, Ewer, Fairfield, Gilbert, Godard, Gordon, Green, Griffith, Hastings, Hoff, Hollister, Hoyt, Hubbard, Hubert, Hunt, Hunter, Irwin, James, Jones, Kellogg, Koll, Musser, McBrayer, McDonald, McGee, Noel, O'Neil, F. A. Park, Pratt, Purdy, Ring, Rowan, Spencer, Springer, Stemmons, Sweasey, Sweetland, Tallmadge, Tivy, Van Cleft, Warmcastle, Watkins, of the Assembly. Total, 76.

Those who voted against the vote of Butte being counted were :

Messrs. Hudspeth, McGarry, Sawyer, Smith, Wade, Whiting, of the Senate, and

Messrs. Bowie, Burton, French, Hagans, Henry, Horr, Houghtaling, Letcher, Lindsey, Mandeville, McDuffie, J. W. Park, Stow, Whipple, Whitman, of the Assembly. Total, 21.

So the Convention decided to count the vote of Butte.

Counties.	GOVERNOR.		LIEUT. GOVERNOR.	
	Bigler,	Waldo.	Purdy.	Enc.
Butte, - - - -	1,544	1,643	1,749	1,500
Nevada, - - - -	2,311	2,179	2,420	2,106
Mariposa, - - - -	845	810	983	720
Sutter, - - - -	253	240	277	228
Sierra, - - - -	1,906	1,515	1,967	1,472
Tuolumne, - - - -	2,759	2,358	2,927	2,090
Monterey, - - - -	255	87	299	48
Contra Costa, - - - -	324	326	384	272
Calaveras, - - - -	2,545	2,212	2,605	2,192
	<hr/> 31,791	<hr/> 29,773	<hr/> 36,029	<hr/> 26,120

There being no other returns from any other counties on the Speaker's table, Mr. French moved that a committee of three be appointed to wait upon the Secretary of State, and ascertain whether there were any returns from other counties in his possession, whereupon Messrs. Sprague, of the House, and Dawley and Conness, of the House, were appointed said committee.

Mr. Smith, of the Senate, moved that the Convention take a recess until 3 o'clock, P. M., which was agreed to, and the Senate withdrew.

On motion, the House adjourned until fifteen minutes to 3 o'clock.

Fifteen minutes to 3 o'clock the House met pursuant to adjournment.

The Speaker announced the following standing Committee on Mileage :

Messrs. James, Hunter, Ewer, Bostwick and Houghtaling.

At 3 o'clock the Convention re-assembled in the hall of the House.

Mr. Sprague, from the committee to wait upon the Secretary of State, reported that the Secretary of State had furnished the committee with the returns which were deficient previous to adjournment, and upon his motion it was agreed to count the votes thus received from the Secretary of State, as informal returns.

Counties,	GOVERNOR.		LIEUT. GOVERNOR.	
	Bigler.	Waldo.	Purdy.	Eno.
Humboldt, . . . . .	233	243	244	234
Klamath, . . . . .	387	452	412	426
Marin, . . . . .	218	321	320	232
San Diego, . . . . .	74	100	110	45
San Bernardino, . . . . .	253	2	256	2
Siskiyou, . . . . .	819	635	850	603
San Joaquin, . . . . .	1,250	1,180	1,480	1,003
San Luis Obispo, . . . . .	9	137	9	136
Santa Clara, . . . . .	508	1,196	916	1,006
Sonoma, . . . . .	404	641	659	454
Yolo, . . . . .	434	472	465	455
Yuba, . . . . .	2,410	2,285	2,584	2,173
Tulare, . . . . .	54	27	56	26
	<hr/> 7,143	<hr/> 7,691	<hr/> 8,367	<hr/> 6,798

Total vote for Bigler, . . . . .	38,940
“ “ Waldo, . . . . .	37,464
	<hr/> 1,476 majority.
Total vote for Purdy, Lieut Governor, . . . . .	44,396
“ “ Eno, “ “ . . . . .	32,818
	<hr/> 11,578 majority.

The Speaker then announced the vote according to the requirements of the Constitution, and the President of the Senate declared that John Bigler, having received a majority of all the votes cast, was duly elected Governor for the next two succeeding years.

He also declared Samuel Purdy to be duly elected Lieutenant Governor of the State of California.

On motion of Mr. McFarland, the Senate withdrew.

The House then proceeded to business.

Mr. Hoff offered the following concurrent resolution :

*Resolved.* By the Assembly, Senate concurring, that a committee of two from each House be appointed to wait upon the Governor, and inform him of his election, and ascertain the period he desires for the ceremonies of inauguration.

Which was adopted,

And Messrs. Hoff and Watkins appointed on the part of the House.

The following message was received from the Governor :

I have the honor herewith to transmit a copy of a communication from citizens of Benicia, tendering certain buildings for the use of the Legislature and State officers.

JOHN BIGLER.

The communication was then read and laid on the table.

Mr. Ballou offered the following resolution :

*Resolved*, That so much of the Governor's Message as has reference to the insufficient protection afforded to the public archives, together with all the papers and propositions presented to the House relative thereto, be referred to a select committee of five, with instructions to report thereon at the earliest possible day;

Which was adopted,

And Messrs. Ballou, Kellogg, Whitman, Letcher and Musser were appointed said committee.

Mr. Conness moved to refer to the same committee all papers and communications relative to the removal of the Capital, which was agreed to.

Mr. Whipple introduced a bill for an Act to legalize certain official acts of the County Judge of Klamath county, which was read a first and second time, and ordered to a third reading on to-morrow.

The following message was received from the Senate :

MR. SPEAKER :

I am instructed to inform the Assembly that they have concurred in their resolution of this day, to appoint a committee to wait upon his Excellency the Governor; and have appointed on their part Messrs. Hall and Wade.

JOHN Y. LIND, Secretary.

Mr. Hoff, from the Joint Committee to wait upon the Governor, reported that his Excellency would be ready to attend to the ceremonies of inauguration at 12 o'clock M. to-morrow.

On motion of Mr. McBrayer, the House adjourned until 11 A. M. to-morrow.

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## HOUSE OF ASSEMBLY.

SATURDAY, January 7, 1854.

House met pursuant to adjournment.

The roll was called by the Clerk and a quorum of the members answered to their names.

The Speaker announced the House ready to proceed to business.

The Journal of Friday was read, amended and approved.

Mr. McKenney, member elect from the county of Santa Clara, appeared, was qualified and took his seat.

A message was received from the Senate, with a concurrent resolution which passed that body, agreeing to meet in the Hall of the House at 12 o'clock this day for the purpose of the inauguration of the Governor elect.

Resolution concurred in.

A message was also received from the Senate, with a concurrent resolution to



appoint a committee of two from each House to wait upon the Hon. Samuel Purdy and notify him of his election as Lieutenant Governor.

Resolution concurred in,

And Messrs. Sweetland and McBrayer appointed on the part of the Assembly.

The following message was received from the Governor :

The communication of F. Argenti, herewith transmitted, was received by me on the 5th instant. The communication referred to by Mr. Argenti was presented to the Senate on the 26th of February, and can be found by reference to Document No. 28 of Appendix to Senate Journals of 1853.

JOHN BIGLER.

Communication of F. Argenti read, and,

On motion, laid upon the table.

Mr. French offered the following, which, upon motion, was laid upon the table :

*Resolved*, That the Sergeant-at-Arms be instructed to provide each member of the Assembly with complete copies of the Statutes of the State of California.

Mr. Bradford, member elect from the county of San Joaquin, appeared, was qualified and took his seat.

Mr. McBrayer gave notice that he would at an early day introduce a bill to relinquish to the United States all the right, title and interest of the State of California to Mare Island, including its shores and overflowed land.

Mr. Green offered the following resolution, which was adopted :

*Resolved*, That a committee of three be appointed to inquire into the contract that has been made for furnishing the State with revised statutes, and whether such contract has been fulfilled.

And Messrs. Green, Conness and Hoff were appointed said committee.

A message was received from the Senate, with a concurrent resolution to appoint a Joint Committee of three from each House to make arrangements for the inauguration of the Governor elect.

Resolution concurred in,

And Messrs. Irwin, Bowie and O'Neil were appointed on the part of the House.

Mr. James made the following report upon mileage, which was adopted :

## REPORT OF THE COMMITTEE ON MILEAGE.

The Committee on Mileage, having that subject under consideration, report the following as the amount of mileage due each member :

Names.	Counties From.	No. Miles.	Mileage.
Anderson	Sierra	490	\$196 00
Ashley	Monterey	360	144 00
Aylett	Siskiyou	1,000	400 00
Bagley	San Francisco	84	33 60
Ballou	El Dorado	340	136 00
Bennett	Sonoma	106	42 40
Bostwick	Nevada	400	160 00
Bowie	Colusi	440	176 00
Bradford	San Joaquin	250	100 00
Briggs	El Dorado	348	139 20
Burton	Nevada	400	160 00
Carr	Los Angeles	1,100	440 00
Carrillo	Santa Barbara	900	360 00
Clingan	Marin	140	56 00
Conness	El Dorado	360	144 00
Cornwall	Napa	40	16 00
Dannels	Yuba	450	171 00
Davidson	Sacramento	290	116 00
Dawley	Nevada	400	160 00
Ewer	Butte	380	152 00
Fairfax	Yuba	330	132 00
Fairfield	Placer	300	120 00
French	San Luis Obispo	700	280 00
Gilbert	San Francisco	84	33 60
Godard	Tuolumne	440	176 00
Gordon	Calaveras	390	156 00
Green	San Francisco	84	33 60
Griffith	Yolo	340	96 00
Hagans	Sonoma	106	42 40
Hastings	Sutter	330	132 00
Henry	Mariposa	500	200 00
Herbert	Mariposa	500	200 00
Hoff	Tuolumne	426	170 40
Hollister	El Dorado	340	136 00
Horr	Tuolumne	250	140 00
Houghtaling	Calaveras	360	144 00
Hoyt	Tuolumne	400	160 00
Hubbard	San Francisco	84	33 60
Hubert	San Francisco	84	33 60
Hunt	San Bernardino	1,200	480 00
Hunter	Los Angeles	1,120	448 00
Irwin	Butte	530	212 00
James	Sierra	490	196 00
Jones	Yuba	360	144 00
Kellogg	Yuba	360	144 00
Koll	San Francisco	84	33 60
Letcher	Santa Clara	220	88 00
Lindsey	Nevada	412	164 80
Mandeville	Tuolumne	420	168 00
Musser	Trinity	710	284 00
Myres	Placer	320	128 00
McBrayer	Sacramento	240	96 00
McDonald	El Dorado	340	136 00

Names.	Counties From.	No. Miles.	Mileage.
McDuffie -	Yuba -	330	132 00
McGee -	Butte -	530	212 00
McKinney -	Santa Clara -	232	92 80
Nichols -	San Francisco -	84	33 60
Noel -	San Diego -	1,249	496 00
O'Neil -	Placer -	380	152 00
F. A. Park -	Sacramento -	240	96 00
J. W. Park -	Sacramento -	240	96 00
Pratt -	Calaveras -	320	128 00
Purdy -	San Francisco -	84	33 60
Ring -	Shasta -	670	268 00
Rowan -	Calaveras -	370	148 00
Spencer -	Humboldt -	600	240 00
Springer -	El Dorado -	340	136 00
Stemmons -	San Joaquin -	260	104 00
Stevenson -	El Dorado -	340	136 00
Stow -	Santa Cruz -	300	120 00
Sweasey -	San Francisco -	134	53 60
Sweetland -	Nevada -	410	164 00
Tallmadge -	El Dorado -	340	136 00
Tivy -	Tulare -	610	244 00
Van Cleft -	Placer -	400	160 00
Warmcastle -	Contra Costa -	4	1 60
Watkins -	Alameda -	150	60 00
Whipple -	Klamath -	1,000	400 00
Whitman -	Solano -	2	80

All of which is respectfully submitted.

JOHN C. JAMES, Chairman.

Mr. Irwin gave notice, that on to-morrow he would move to re-consider the vote adopting the report on Mileage, whereupon

Mr. Mandeville moved to re-consider the vote forthwith,

And the House refused to re-consider.

On motion of Mr. Van Cleft, the House took a recess for fifteen minutes.

House re-assembled, and the Senate appeared for the purpose of Inaugurating the Governor elect.

Judge Winston administered the oath of office, after which the Governor spoke as follows :

### INAUGURAL ADDRESS.

FELLOW CITIZENS:

Having subscribed the solemn oath required by the constitution, at the commencement of a term of office, I avail myself of the occasion to express my profound gratitude to the people of California, who, after the most rigid scrutiny into all my official acts, have a second time, by their free suffrages, conferred upon me the highest office in their gift. At the commencement of my first term, conforming to

revered custom, I took occasion to proclaim the principles which should be my guide in the administration of the government, as well as to explain the more important measures believed necessary to the rapid development of our vast resources.

The principles then set forth and the measures advocated, are still cherished and approved—time and experience having demonstrated, as far as tested, their entire practicability and correctness.

On this occasion I may be permitted to assure my fellow citizens that hereafter, as heretofore, all my energies will be steadily exerted to secure, not only a faithful and efficient, but an economical administration of the State Government. And if, heretofore, there has been a failure to accomplish desired objects and effect radical reforms, I entreat you to remember, that in the only manner authorized by the Constitution, I have, again and again, performed my duty in the premises, by urging upon the immediate representatives of the people the great importance of adopting judicious measures to secure a speedy liquidation of the debt of the State, and of devising a thorough system of retrenchment and reform.

The power to abate evils complained of, to lessen public expenditures and taxation on the people, the Constitution has wisely vested in the Legislature—not in the Executive. The Governor can, and indeed it is his constitutional duty, from time to time to recommend measures which meet his approbation, and to express his views on subjects of general importance; but here his power ceases until his recommendations shall have received force and efficacy by the action of the Legislature. The Executive, though often censured in relation to public expenditures, has in fact no further control over the Treasury than is exercised in the approval or rejection of acts of the Legislature appropriating public funds. The Comptroller and Treasurer, in many matters of great importance, are the peculiar guardians of the public purse. It is the province of these officers, under the Constitution and laws, to pass upon all claims against the State, to approve and reject, as they deem proper, and as justice demands. With their decisions the Executive cannot interfere, and over their judgments, in the settlement of questions between individuals and the State he has, properly, no control.

It is believed unnecessary, however, on this occasion, to advert to the financial condition of the State, or the measures relied upon to secure the speedy payment of our existing debt. For these important details you are respectfully referred to my Annual Message.

During the past two years our progress in improvements of every character, has more than realized the expectations of the most sanguine. The substantial wealth of the State has been more than doubled. The spirit of progress and improvement, which so distinguishes the American people, and which, in fact, has placed our country in the van of nations, has lost none of its vigor on the Pacific coast. Its benign influence has, in an incredibly short period of time, placed our adopted State on a level, in many important respects, with the oldest and mightiest of the Confederacy. But yesterday, California was a wild and uncultivated department of a declining nation—to day, she stands unrivalled in the wealth of her mountains—the fertility of her valleys—the importance of her growing commerce—and in the energy and intelligence of her people. Nor are we wanting in other monuments which mark our wealth, enterprize, and prosperity. Our cities, spreading their fair proportions upon our inland seas, navigable rivers, and in our mining districts, abound in structures equal to any which adorn the emporiums of the Atlantic;—our broad acres are being rapidly subjected by the hand of culture, and our granaries and teeming warehouses attest, alike, the bounty of the soil, and the prosperity of our people.

The people of California, though greatly absorbed in the development of her unequalled mineral wealth, and in preparing for a more full enjoyment of her vast commercial advantages, have not been unmindful of other great interests. The education of the youth of the State has been the subject of much solicitude, and, in view of the fact that the families of our citizens are daily coming to our shores and



settling upon the public domain, a system of public instruction is being matured, worthy of the great Pacific State, and entirely adequate to the wants of the rising generation. Congress, with commendable liberality, has donated lands to the State, which, if properly disposed of, it is confidently believed, will yield not less than eleven millions of dollars for school purposes. This sum, judiciously applied in fostering a system of Common Schools, will be found amply sufficient to educate all the children of our State, and thus give a high character to our civil institutions. The education of the masses is justly esteemed the groundwork of free institutions, and the enduring basis of constitutional liberty. We have, indeed, reason for congratulation, my fellow-citizens, that our school fund, inferior to that of no other State, promises for future generations the intelligence so necessary to the preservation of the free institutions under which we so happily live and prosper.

In the midst of exciting scenes and general prosperity, we have not been forgetful of the demands of humanity. Owing to the great distance traversed by the emigrant, and the privations endured, many reach our borders "sick and destitute"—"strangers in a strange land." Their necessities have not been forgotten; the hand of charity has been freely extended. Hospitals for the relief of the sick and insane have been provided, and thrown wide open for their reception; large appropriations from the public treasury have been annually made for their relief by former Legislatures, and these asylums will ever remain monuments of the humanity and beneficence of our people, and enduring evidences that, even in the incipient stages of our political existence, suffering humanity received the relief and comfort required.

For the suppression and punishment of crime, there has been erected, during the past year, a secure State Prison. Heretofore, almost entirely dependent upon individuals and counties for the safekeeping of criminals, there has been, comparatively, an immunity from punishment. This fact, and the no less important one, that escape was possible, emboldened the vicious and daring, and served greatly to increase crime—for, it is not so much the "severity of punishment, as the certainty of its infliction," which holds villainy in check. But now that we have a secure prison, that escape is hopeless and punishment certain, crime, it is hoped and believed, will rapidly diminish.

Justly proud of our adopted State, it may not be unprofitable for us, on this occasion, to recur once more to the scenes, the trials, the difficulties and the eventful triumphs which marked an era in the history of the world—the birth of a new State into the American Confederacy. Springing into new life, after a lethargic sleep of centuries, California opened to an astonished world the hidden wealth of her mountains, and her flower-clad valleys gave presage of future productiveness.

For ages had her golden sands been washed from their mountain heights, and the rivulets and streams which fertilized her plains, bore golden flakes on their restless floods. But it was reserved for the research and energy of our own people, first to discover and then to develop the hidden wealth, which added a new field to the labor, enterprise, and commerce of the world, and which, for centuries, had remained unknown to the inhabitants of the Pacific coast. Excited by the intelligence wafted to their ears from the Pacific shore, the American people, who, by their intelligence, energy, and all those virtues which exalt a nation, have acquired the right to disseminate freedom and civilization—the right to inoculate upon the decaying frame of despotism the living principles of civil and religious liberty, led the van of that mighty concourse which set towards our golden shores; and overcoming every interposing obstacle, soon laid, broad and deep, the foundation of a great and prosperous sovereignty.

The discovery of inexhaustible mines of gold upon the borders of the Pacific was an extraordinary episode in human affairs. It was an occurrence which involved the most important consequences to the monetary affairs of the world. It gave a new impulse to labor everywhere, and infused new vigor into all the departments of human industry. By increasing the rewards of labor, and the demand for its pro-

ducts, it gave to it a practical dignity and importance which it never before possessed. But the immediate and remote results of such a discovery are too important and varied to be enumerated here. It was, however, apparent that a country possessing such advantages, and destined to exert such an influence, would speedily become an object of peculiar interest. It was apparent, also, that the wants of such a country would be uncommon, and that, without the exercise of sleepless vigilance, its interests would often be jeopardized. The discovery of the precious metals was succeeded by a crisis in California, during which it was sometimes a subject of doubt whether order or anarchy would be paramount. The want of the protecting care of the General Government, which the country, on account of its geographical position, and its consequent isolation, so keenly felt—the rapid influx of immigrants from every quarter of the globe, contributed to retard the permanent establishment of law and order, and rendered necessary a well regulated government, and a rigid code of laws. For the control of a people so heterogeneous, the provisional government established in California was soon found to be totally inefficient. Police and municipal regulations—the great safeguards of society—and a general system of government, more comprehensive and more detailed in its operations, were wants which the public interests eminently demanded. Accordingly, the representatives of the people, in September, 1849, assembled in convention and adopted a State Constitution; and, in a remarkably short period of time, after the ratification of the treaty of Guadalupe Hidalgo, by which this territory was acquired, California was admitted into the American Confederacy, and invested with all the prerogatives of a sovereign State. I need not here recur to the acclamations with which the intelligence of this event was received, or to the impressive scenes which marked its solemnization. Up to the period of the organization of the State Government, we were a community, or I might rather say, a collection of persons, to some extent without law, and without any of those securities only to be found in a stern and impartial administration of justice. The maxims and obligations of self government were too often set at naught, and society was seemingly suspended over the abyss of annihilation.

But the perils which attended the infancy and early organization of our Government have, happily, passed away; and under those restraining influences of habit, education, and natural affection, which are so insensibly, but so powerfully exerted, and with which we are inspired by our liberal form of government, stability and order have risen out of chaos and confusion.

In all cases of grievance, the law has prescribed the mode of redress, and it is alike our duty, and our custom, to respect its requirements. While from our earliest boyhood, there has been instilled in our breasts love and reverence for the free institutions of our country, we have also been taught to respect and obey that country's laws. Obedience to the laws, as a principle, forms the main pillar in the edifice which the people have consecrated to liberty.

But California is not alone dependent upon the glittering ore, which primarily attracted to her shores thousands of men and fleets of deeply laden ships. Her soil, so prolific in mineral riches, is no less productive of all those commodities which form the staples and luxuries of the world. Emphatically the land of the olive and the vine, her fields of waving corn, and clustering vineyards on her southern slopes, bid fair soon to rival her mines of gold, and render her as renowned for abundant harvests, as she has been, and is, for stores of mineral wealth. Each year gives renewed proofs of the fertility of her soil, and increased importance to agricultural pursuits. Her geographical position is eminently conducive to health, and favorable to the production of every article needful for consumption at home, and in time, for exportation abroad.

In latitudes analogous with southern France and the finest wine countries of Europe, California already possesses flourishing vineyards, which will one day, no doubt, render her celebrated for every variety of wines. Her bounteous soil nour-

ishes the olive and the fig, and fruits of every description are to be found throughout the State.

Hitherto, the unparalleled productiveness of the mines deterred the people, generally, from undertaking what, for a time, was deemed hazardous experiments in agriculture. Again, the unsettled condition of land titles, and above all, the transient and migratory character of the first immigrants who came here with no intention of making this country their permanent abode, greatly retarded the development of our agricultural resources. Soon, however, men learned to appreciate the immense natural superiority of California over the eastern portion of the American Continent. They discovered that, independently of its golden sands, it possessed a genial and healthful climate and luxuriant soil. They became attached to its beautiful rivers—its pleasant and productive valleys, and its expansive plains; and instead of quitting the country forever, as originally intended, they sent for their wives and little ones, to rejoin them in this sunny land.

The transcendent beauties of the country—the fertility of its soil, as well as its great mineral wealth and commercial advantages, were soon properly appreciated, and then commenced the flood-tide of immigration, which has since known no ebb.

Among the many flattering evidences of our prosperity and progress in agricultural pursuits, none speak more unmistakably than the increased demand and consequent importation of farming implements of every character; they give evidence of the peaceful and lucrative calling of many of our citizens.

The advantages of engaging in agricultural pursuits cannot be too earnestly urged upon the people, and the employment of labor and capital in such a channel cannot fail to afford profitable returns. Let us hope, then, as we have every reason to expect, that not only our mountains and river sands will continue to yield their rich treasures to the hand of industry, but that our vast and unequalled commercial and agricultural resources may be so developed by the enterprize and perseverance of our people as to elevate California in the scale of nations, and render her that populous and powerful sovereignty of the American Confederacy, for which she was so manifestly “destined by nature and by nature’s God.”

For the blessings of social order and general prosperity, which we now enjoy in so high a degree, I claim nothing for the Government over which I have been called to preside. But to that spirit of liberty and progress so eminently characteristic of the American people, united with the intelligence and determined energy of our fellow-citizens, under the blessings of Providence, we owe all our greatness and continued prosperity—and to that spirit and intelligence must we ever look for the welfare of our common country, and the perpetuity of the free institutions which have made our Union “beloved at home and respected abroad.”

On motion of Mr. Wade, the Senate withdrew, and the House organized for business.

On motion of Mr. Carrillo, the House adjourned until Tuesday next at 10 o'clock.



# HOUSE OF ASSEMBLY.

TUESDAY, January 10, 1854.

House met pursuant to adjournment.

On motion of Mr. Mandeville, Mr. Herbert was called to the chair.

The roll was called by the Clerk, and a quorum of members being present, the Speaker *pro tem.* announced the House ready to proceed to business.

The Journal of Saturday was read and approved.

On motion, leave of absence was granted for one day to Mr. Bostwick.

Mr. Mandeville presented a communication from the Assistant Secretary of State in reference to the Codified Laws of the State, which was read and on motion laid upon the table.

Mr. French offered the following, which was, on motion, laid upon the table :

*Resolved*, That the Sergeant-at-Arms be, and he is hereby instructed to provide this Assembly with twelve complete copies of the Statutes of the State of California.

Mr. Fairfield gave notice that he would, at an early day, introduce a bill for an Act entitled an Act amendatory of Article Vth of the Revenue Law, approved March, 1853.

Mr. Anderson gave notice that at an early day he would introduce a bill to exempt mining claims from forced sales in certain cases.

Mr. Gordon, of Calaveras, gave notice that at an early day he would introduce a bill for an Act to reduce the salaries of State officers and the pay of the members of the Legislature.

On motion of Mr. Mandeville, all resolutions or other documents relating to the Codified Statutes of the State, be taken from the table and be referred to the special committee which was created some days since upon that subject.

Mr. Tivy gave notice that at an early day he would introduce a bill for an Act to abolish the Board of Supervisors in the county of Tulare.

Also, a bill for an Act to amend the sixth and ninth sections of an Act entitled an Act to fix the compensation of County Judges and Associate Justices of the Court of Sessions, and to repeal a like Act passed April 22, 1850. Approved May 17, 1853.

Mr. James gave notice that at an early day he would introduce a bill for an Act amendatory of an Act relating to the duties of County Treasurers, so far as said Act relates to the Treasurer of Sierra county.

Mr. McBrayer made the following report from the Joint Committee to wait upon the Hon. Samuel Purdy and notify him of his election as Lieutenant Governor :

MR. SPEAKER :

The committee appointed by the Senate and Assembly to wait upon Lieutenant Governor Purdy, inform him of his election, and ascertain the time when it will suit his convenience to take the oath of office, respectfully report—

That in accordance with the resolution, your committee called upon the Hon.



Samuel Purdy, whose illness at present prevents him from fixing upon a certain day for his inauguration, but will inform the chairman of your committee at some future day by letter.

E. D. SAWYER,  
JOHN S. HAGER,  
Senate.

J. M. McBRAYER,  
H. SWEETLAND,  
Assembly.

Mr. Hubert gave notice that at an early day he would introduce a bill to release in favor of the Government of the United States all the right, title and interest of the State of California in and to the lots in the city of San Francisco, whereon the Custom House is about being erected.

Mr. Mandeville introduced a bill to repeal an Act entitled an Act to provide for the Inspection of Flour, passed May 3, 1852.

Read first and second time and ordered to a third reading on to-morrow.

Mr. Letcher introduced a bill for an Act to repeal an Act to provide for the better publication of Official and Legal Notices, approved May 3, 1853.

Read first and second time and ordered to a third reading on to-morrow.

Mr. Spencer introduced a bill for an Act to provide for the restoration of certain books, records, maps and papers, to Humboldt county, now held by Trinity county.

Read first and second time and ordered to a third reading on to-morrow.

On motion of Mr. Mandeville, the House adjourned until 10 o'clock to-morrow.

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## HOUSE OF ASSEMBLY.

WEDNESDAY, January 11, 1854.

House met pursuant to adjournment.

The roll was called by the Clerk, and a quorum of the members being present, the Speaker announced the House ready to proceed to business.

The Journal of Tuesday read and approved.

The Speaker announced the following Standing Committees:

*Judiciary*—Myres, Hubert, Carr, Hoyt, Bowie, Warmcastle, Jones, Gordon, Whitman.

*Ways and Means*—Herbert, Noel, Whipple, Dawley, French, Purdy, Davidson, McDonald, Godard.

*Elections*—Ewer, Nichols, Pratt, McDuffie, Carrillo.

*Claims*—Hoff, Fairfield, Kellogg, Conness, Koll.

*Education*—Ashley, Cornwall, Pratt, Henry, Fairfield.

*Counties and County Boundaries*—Hastings, Letcher, Horr, Carillo, Rowan.

*Public Lands*—Bradford, Griffith, Sweasey, Cornwall, Van Cleft, Musser, Tivy.

*Commerce*—Conness, Dawley, Bagley, McBrayer, Nichols, Ring, J. W. Park.

*Federal Relations*—Irwin, Watkins, Carr, Spencer, Sweetland, O'Neil, French, Gilbert, J. W. Park.

*Corporations*—Watkins, McDuffie, F. A. Park, Springer, Gordon, Bostwick, Hubbard.

*Roads and Highways*—Griffith, Stowe, McGee, Bennett, Burton.

*Agriculture*—Stemmons, Cornwall, Letcher, Hunter, Hunt.

*Public Printing*—Aylett, Houghtaling, Briggs, Noel, Herbert, Jones, Hastings.

*Indian Affairs*—Daniels, Ewer, Musser, Hagans, Lindsey.

*Accounts and Expenditures*—Bostwick, Davidson, Ballou, Anderson, Hollister.

*Public Buildings and Grounds*—Green, Stevenson, Hubbard

*Engrossed Bills*—O'Neil, Ring, Anderson.

*Enrolled Bills*—Tivy, Springer, McGee.

*State Hospital*—Spencer, Horr, Aylett, Gilbert, Myres.

*State Prison*—Bagley, Clingan, Godard, Hoyt, McKinney.

*Mileage*—James, Hunter, Ewer, Bostwick, Houghtailing.

*Mines and Mining Interests*—Mandeville, Dannels, Briggs, Rowan, Tallmadge, Van Cleft, Lindsey, Whipple, James.

*Military Affairs*—Hunt, McBrayer, McDonald, Kellogg, J. W. Park.

Mr. Conness, Chairman, made the following report :

The Committee on Rules, for the government of the House during the present session, have had the same under consideration, and ask leave respectfully to present the following report ;

CONNESS,  
WATKINS,  
MANDEVILLE,  
HERBERT,  
IRWIN.

## STANDING RULES AND ORDERS

*For Conducting the Business in the House of Assembly of the State of California.*

## ORDER OF BUSINESS.

1st.	A Committee on Elections.
2d.	" Corporations.
3d.	" Public Printing.
4th.	" Claims.
5th.	" Ways and Means.
6th.	" Judiciary.
7th.	" Military Affairs.
8th.	" Indian Affairs.
9th.	" Counties and County Boundaries.
10th.	" Commerce and Navigation.
11th.	" Education.
12th.	" Agriculture.
13th.	" Roads and Highways.
14th.	" Public Buildings and Grounds.
15th.	" Public Expenditures and Accounts.
16th.	" Mines and Mining Interests.
17th.	" Public Lands.
18th.	" Federal Relations.
19th.	" Engrossment.
20th.	" Enrollment.
21st.	" State Prisons.
22d.	" Mileage.

## THE DUTIES OF THE SPEAKER.

## RULE I.

He shall take the chair every morning precisely at the hour of 10 o'clock; shall immediately call the House to order, and on the appearance of a quorum, shall cause the journal of the preceding day to be read.

## RULE II.

After the reading and approval of the journal, the order of business shall be as follows:

- 1st. Presentation of Petitions.
- 2d. Reports of Standing Committees.
- 3d. Reports of Select Committees.
- 4th. Messages from the Governor.
- 5th. Messages from the Senate.
- 6th. Motions, Resolutions and Notices.
- 7th. Third reading of Bills.
- 8th. Unfinished Business of the preceding day.
- 9th. Special Orders of the day.

## RULE III.

He shall preserve order and decorum, may speak to points of order in preference to other members, rising from his seat for that purpose; and shall decide questions of order, subject to an appeal to the House by any two members, on which appeal no member shall speak more than once, unless by leave of the House.

## RULE IV.

He shall rise to put a question.

## RULE V.

He shall have a general direction of the hall. He shall have a right to name any member to perform the duties of the chair, but such substitution shall not extend beyond an adjournment.

## RULE VI.

All committees shall be appointed by the Speaker, unless otherwise specially directed by the House.

## RULE VII.

All Acts, Addresses and Joint Resolutions shall be signed by the Speaker; and all writs, warrants and subpoenas issued by order of the House shall be under his hand and seal, attested by the Clerk.

## RULE VIII.

In case of any disturbance or disorderly conduct in the galleries or lobby, the Speaker (or chairman of the Committee of the Whole House) shall have power to order the same to be cleared.

## RULE IX.

If any member in speaking, or otherwise, transgress the rules of the House, the Speaker shall, or any member may call to order, in which case the member so called to order shall immediately sit down, unless permitted to explain, and if called to order by a member, such member shall immediately be required by the chair to state his point of order. If the point of order be sustained by the chair the member shall not be allowed to proceed, but if it be not sustained then he shall be permitted to go on; every such decision of the chair shall be subject to an appeal to the House, but no discussion of a question of order shall be allowed, unless an appeal be taken from the decision of the chair.

## RULE X.

When two or more members rise at once the Speaker shall name the member who is first to speak.



## RULE XI.

No motion shall be debated until the same be seconded and distinctly announced by the Speaker ; and it shall be reduced to writing if desired by the Speaker or any member, and read by the Clerk before the same shall be debated. A motion may be withdrawn at any time before amendment.

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## DECORUM AND DEBATE.

## RULE XII.

Every member when he speaks shall, standing in his place, address " Mr. Speaker," and when he has finished shall sit down. No member shall speak more than twice during the consideration of any one question on the same day and at the same stage of proceedings, without leave ; and members who have once spoken shall not again be entitled to the floor, (except for explanation,) to the exclusion of others who have not spoken.

## RULE XIII.

If any member be called to order for offensive words spoken in debate, the person calling him to order shall repeat the words excepted to, and they shall be taken down in writing at the Clerk's table ; and no member shall be held to answer, or be subject to the censure of the House for language used in debate, if any member has spoken or other business has intervened after the words spoken, and before exception to them shall have been taken.

## RULE XIV.

Upon a call of the House the names of the members shall be called over by the Clerk and the absentees noted ; after which the names of the absentees shall again be called over. The doors shall then be shut, and those for whom no excuse, or insufficient excuses are made, may, by order of those present, be taken into custody as they appear, or may be sent for and be taken into custody by the Sergeant-at-Arms, wherever to be found, or by special messengers to be appointed for that purpose.

## RULE XV.

When a member shall be discharged from custody and admitted to his seat, the House shall determine whether such discharge shall be with or without paying fees, and in like manner whether a delinquent member taken into custody by a special messenger shall or shall not be liable to defray the expenses of such special messenger.

## RULE XVI.

A motion to adjourn, or to fix the day to which the House shall adjourn, shall always be in order, but shall be decided without debate.

## RULE XVII.

When a question is under debate, no motion shall be received, but to adjourn, to lie on the table for the previous question, to postpone to a day certain, to commit or amend, to postpone indefinitely, which several motions shall have precedence in the order in which they are named. And no motion to postpone to a day certain, to commit, or to postpone indefinitely, being decided, shall again be allowed on the same day and at the same stage of proceedings. A motion to strike out the enacting clause of a bill or resolution shall have precedence of a motion to amend, and if carried, shall be considered equivalent to its rejection.

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## THE PREVIOUS QUESTION.

## RULE XVIII.

The previous question shall be in this form: "Shall the main question be now put?" and its effect shall be to put an end to all debate, and bring the House to a vote on the question before it.

## RULE XIX.

If the previous question be called on an amendment to an amendment, then the question shall be on the amendment to the amendment, which being decided, the next question shall be on the amendment and then on the main question; but there shall be no debate pending those questions. All incidental questions of order arising after a motion is made for the previous question and pending such, shall also be decided, (whether on appeal or otherwise,) without debate.

## RULE XX.

The previous question shall only be admitted when seconded by three members.

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## INTRODUCTION AND READING OF BILLS.

## RULE XXI.

Every bill shall be introduced by giving at least one day's notice, or by leave of two-thirds of the House, except such bill shall be introduced by a committee in accordance with a rule of the House.

## RULE XXII.

Every bill shall receive three readings previous to its being passed. The Speaker shall give notice at each reading whether it be the first, second, or third, which readings shall be on different days, unless the House unanimously direct otherwise; no bill shall be amended or committed until twice read. The first reading of a bill shall be for information, and if opposition be made to it, the question shall be, "Shall this bill be rejected?" If no opposition be made, or if the question to reject be negatived, the bill shall then take the usual course.

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 PETITIONS AND MEMORIALS.

## RULE XXIII.

Petitions, memorials, and other papers addressed to the House, shall be presented by the Speaker, or by a member in his place. A brief statement of the contents thereof shall be made verbally by the introducer. They shall not be debated on the day of their being presented, but shall lie on the table, or be referred, as the House shall determine.

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 MESSAGES FROM EXECUTIVE DEPARTMENTS.

## RULE XXIV.

A proposition requesting information from the Governor of the State, or directing it to be furnished by the head of either of the executive departments, or to print an extra number of any document or other matter, excepting messages of the Governor to both Houses, at the commencement of each session of the Legislature; and the reports and documents connected with or referred to in it shall lie on the table one day for consideration, unless otherwise ordered by unanimous consent of the House; and all such propositions shall be taken up for consideration in the order in which they were presented, immediately after reports are called for from select committees; and when adopted, the Clerk shall cause the same to be delivered.

## RULE XXV.

Messages from the Governor, State Officers, and from the Senate, may be considered at any time.

## OF STANDING COMMITTEES.

## RULE XXVI.

It shall be the duty of the Committee on Elections to examine and report upon the certificates of election, or other credentials, of the members returned to serve in this House, and to take into their consideration all such petitions and other matters touching elections and returns as shall or may be presented or come into question, and be referred to them by the House.

## RULE XXVII.

It shall be the duty of the Committee of Ways and means to take into consideration all such reports of the Treasury Department, and all such propositions relative to the revenue as may be referred to them by the House; to inquire into the state of the public debt or the revenue, and of the expenditure, and to report, from time to time, their opinion thereon.

## RULE XXVIII.

General appropriation bills shall be in order in preference to any other bills of a public nature, unless otherwise ordered by a majority of the House.

## RULE XXIX.

It shall be the duty of the Committee on Claims to take into consideration all such petitions and matters or things touching claims and demands on the State as shall be presented, or shall or may come in question, and be referred to them by the House, and to report their opinion thereupon, together with such propositions for relief therein as to them shall seem expedient.

## RULE XXX.

It shall be the duty of the Committee on Commerce to take into consideration all such petitions and matters or things touching the commerce of the State as shall be presented or shall or may come into question and be referred to them by the House, and to report from time to time their opinion thereon.

## RULE XXXI.

It shall be the duty of the Committee on the Public Lands to take into consideration all such petitions and matters or things respecting the lands of the State as shall or may come in question and be referred to them by the House, and to report their opinion thereon, together with such propositions for relief therein as to them shall seem expedient.

## RULE XXXII.

It shall be the duty of the Committee on Public Expenditures and Accounts to examine into the state of the several public departments, and particularly into laws making appropriations of money, and to report whether the moneys have been dis-



nursed conformably with such laws ; and also to report from time to time such provisions and arrangements as may be necessary to add to the economy of the departments and the accountability of their officers.

RULE XXXIII.

It shall be the duty of the Committee on Military Affairs to take into consideration all subjects relating to the military establishment and public defence which may be referred to them by the House, and to report their opinion thereupon; and also to report from time to time such measures as may contribute to economy and accountability in the said establishment.

RULE XXXIV.

It shall be the duty of the Committee on Roads and Highways to take into consideration all such petitions and matters and things relating to roads and canals, and the improvement of the navigation of rivers, as shall be presented or may come in question and be referred to them by the house, and to report thereupon, together with such propositions relating thereto as may seem to them expedient.

RULE XXXV.

It shall be the duty of the Committee on Public Buildings and Grounds, to consider all subjects relating to the public edifices and grounds within the Seat of Government, which may be referred to them, and report their opinion thereon, together with such propositions relating thereto as may seem to them expedient.

RULE XXXVI.

It shall be the duty of the Committee on Mileage, to ascertain and report the distance for which each member shall receive pay.

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## COMMITTEE OF THE WHOLE HOUSE.

RULE XXXVII.

When a resolution or bill shall be offered. or a motion made to refer any subject, and different committees shall be proposed, the question shall be taken in the following order:

The Committee of the Whole House.

A Standing Committee.

A Select Committee.

RULE XXXVIII.

In forming a Committee of the Whole House, a Chairman, to be named by the Speaker, shall preside. Bills committed to a Committee of the Whole House, shall in Committee of the Whole, be read by sections. All amendments shall be noted and reported to the House by the Chairman ; after report, the bill shall again be subject to amendment before the question is taken.

## RULE XXXIX.

The Rules of the House shall be observed in Committee of the Whole, so far as may be applicable, except limiting the times of speaking, and except that the ayes and nays shall not be taken.

## RULE XL.

A motion that the Committee rise shall always be in order, and shall be decided without debate.

## RULE XLI.

All proceedings touching appropriations of money, shall be first considered in a Committee of the Whole House; and no addition to any appropriation shall be made out of Committee of the Whole.

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PRIVILEGED QUESTIONS.

## RULE XLII.

The following are Privileged Questions, and shall have precedence in the order in which they are named :

1. To adjourn.
2. To lie on the table.
3. To the previous question.
4. To postpone to a day certain.
5. To commit.
6. To amend.
7. To postpone indefinitely.

## RULE XLIII

Any member may rise to explain a matter personal to him, with permission of the Chair, but shall not discuss a question in such explanation.

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VOTING.

## RULE XLIV.

In all cases of election by the house of its officers, the vote shall be taken *viva voce*.

## RULE XLV.

When the ayes and nays shall be called for by three members present, every member within the bar of the House when his name is called, shall, (unless for special reasons he be excused,) declare openly and without debate, his assent or dissent to the question. In taking the ayes and nays, and upon call of the House, the names of the members shall be taken alphabetically.

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## DUTY OF THE SERGEANT-AT-ARMS.

## RULE XLVI.

The duty of the Seargeant-at-Arms shall be to attend at the House during its sittings, to execute the commands of the House from time to time, together with all such process issued by authority thereof, as shall be directed to him by the Speaker. He shall be sworn to keep the secrets of the House.

## RULE XLVII.

The fees of the Seargeant-at-Arms shall be for every arrest, the sum of one dollar ; for each day's custody and releasement, one dollar ; and for travelling expenses for himself or a special messenger, going and returning, thirty cents per mile.

## RULE XLVIII.

No bills or other matter shall be printed without first being specially ordered by the House, and the Sergeant-at Arms shall be required to certify to the reception by the House of all such printed matter, before payment shall be made or bills shall have been audited.

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## PROMISCUOUS RULES.

## RULE XLIX.

If a question depending be lost by adjournment of the House and revived on the succeeding day, no member who shall have spoken on the preceding day, shall be permitted again to speak without leave of two-thirds of the House.

## RULE L.

No member or other person shall remain by the Clerk's table while the ayes and nays are being called or while the votes are being counted

## RULE LI.

No member shall vote on any question in the result of which he is personally interested or involved.

## RULE LII.

Upon a division and count of the House on any question, no member without the bar shall be counted.

## RULE LIII.

When a question is postponed indefinitely, the same shall not again be introduced during the session.

## RULE LIV.

Any member may call for a division of the question, which shall be divided, if it comprehends propositions, in substance so distinct, that one being taken away a substantive proposition shall remain for the decision of the House. A motion to strike out being lost, shall preclude neither amendment, nor a motion to strike out and insert.

## RULE LV.

No motion or proposition on a subject different from that under consideration, shall be admitted as an amendment. No bill or resolution shall at any time be amended by annexing thereto or incorporating therewith, any other bill or resolution pending before the House.

## RULE LVI.

All questions whether in Committee of the Whole, or in the House, shall be proposed in the order in which they were moved, except that in filling up blanks the least sum and shortest time shall be first put.

## RULE LVII.

All questions relating to the priority of business shall be decided without debate.

## RULE LVIII.

When the reading of a paper is called for, except petitions, and the same is objected to by any member, it shall be determined by a vote of the House without debate.

## RULE LIX.

When a question on a motion, or on the final reading of a bill or resolution, shall have been decided in the affirmative or in the negative, it shall be in order for any member of the majority to move for the reconsideration thereof, on the same day, or by giving notice of such intention on the succeeding day, but after such notice being given it shall not be in order for any member to move a reconsideration on



the day on which such motion or question shall have been decided. And such motion shall take precedence of all other questions except a motion to adjourn.

## RULE LX.

The unfinished business in which the House was engaged at the last preceding adjournment shall have preference in the orders of the day; and no motion on any other business shall be received without special leave of two-thirds of the House, until the former is disposed of.

## RULE LXI.

No standing rule or order of the House shall be received or changed without one day's notice being given of the motion therefor, nor shall any rule be suspended, except by a vote of two-thirds of the members present; nor shall the order of business as established by the rules of the House be postponed or changed, unless by a vote of two-thirds of the members present.

## RULE LXII.

No committees shall be permitted to employ a clerk at the expense of the State without first obtaining leave of two-thirds of the House for that purpose.

## RULE LXIII.

No member shall absent himself from the services of the House without the leave of the House, except in case of sickness; and if any member or other officer of the House absent himself without leave, his *per diem* shall not be allowed him; but no member shall obtain leave of absence or be excused without a vote of two-thirds of the House.

## RULE LXIV.

No member shall be allowed to explain his vote, or discuss the question while the ayes and noes are being called; and no member shall be allowed to change his vote after the vote is announced from the chair.

## RULE LXV.

Maps accompanying documents shall not be printed under the general order to print, without the special direction of the House.

## RULE LXVI.

No person except Senators, State officers and ladies, shall be admitted within the bar of the House, except by special invitation on the part of some member.

## RULE LXVII.

No smoking shall be allowed within the Assembly Chamber during the session of the House.

## RULE LXVIII.

The rules of parliamentary practice comprised in Jefferson's Manual shall govern the House in all cases to which they are applicable, and in which they are not inconsistent with the standing rules and orders of the House, and the joint rules of the Senate and House of Assembly.

## RULE LXIX.

No person shall be permitted to perform divine service in the chamber occupied by the House of Assembly unless with the consent of the House; nor shall the Assembly room be used for any public or private business other than legislative, except by the permission of the House.

## RULE LXX.

The rule for paying witnesses summoned to appear before this House, or either of its committees, shall be as follows:

For each day a witness shall attend, the sum of two dollars; for each mile he shall travel in coming to or going from the place of examination, the sum of thirty cents each way; but nothing shall be paid for travelling home when the witness has been summoned at the place of trial; no mileage shall be paid except where the witness has actually traveled for the purpose of giving testimony.

## RULE LXXI.

It shall be in order for the Committee on Enrolled Bills to report at any time.

## RULE LXXII.

The Door-Keeper shall be sworn to keep the secrets of the House.

A bill or resolution may be committed with special instructions at any time before the final vote is taken.

Mr. Ashley moved to lay the report on the table,  
Upon which Mr. J. W. Park demanded the ayes and nays.  
Those who voted to lay the report upon the table were,

Messrs. Ashley, Aylett, Ballou, Bowie, Briggs, Burton, Carr, Carrillo, Gordon, Green, Hagan, Henry, Herbert, Hollister, Horr, Houghtailing, Hubbard, Hubert, Hunter, O'Neil, J. W. Park, Pratt, Purdy, Rowan, Van Cleft, Whipple—26.

Those who voted against laying on the table were,

Messrs. Anderson, Bagley, Bennett, Bostwick, Clingan, Conness, Cornwall, Dannels, Davidson, Dawley, Ewer, Fairfield, Godard, Hastings, Hoyt, Hunt, James, Jones, Kellogg, Koll, Letcher, Lindsey, Mandeville, Musser, McDonald, McDuffie, McGee, Nichols, Noel, F. A. Park, Ring, Spencer, Springer, Stevenson, Stowe, Sweasey, Sweetland, Tallmadge, Tivy, Watkins, Whitman—42.

So the House refused to lay upon the table.

On motion of Mr. Conness, the House resolved itself into Committee of the

Whole, Mr. Bostwick in the chair, to consider the report of the Committee on Rules for the government of the Assembly.

After spending some time in their consideration, and making amendments thereto, on motion of Mr. Mandeville, the committee rose, reported the rules to the House, as amended, and asked to be discharged from the further consideration of the same.

The committee was discharged, and the rules, as amended, adopted by the House, and on motion of Mr. Conness laid upon the table.

The following Message was received from the Governor by his Private Secretary.

I have this day appointed Hon. J. W. Denver, Secretary of State, and Chas. H. Hempstead, Esq., Private Secretary.

JOHN BIGLER.

Mr. Van Cleft made the following report :

The undersigned, your committee appointed to report upon the *per diem* compensation of the officers of the Assembly, respectfully beg leave to introduce the following bill, and recommend its passage.

GEO. H. VAN CLEFT, Chairman.

A Bill for an Act concerning the *per diem* of Officers of the Assembly.  
Read first time, and ordered to a second reading on to-morrow.

Mr. Rowan offered the following resolution, which was, on motion, laid upon the table :

*Resolved*, That there be printed, for the use of this House, 1000 copies of the Annual Report of the Quartermaster and Adjutant General of the State of California.

Mr. Aylett introduced a Joint Resolution in reference to Post Offices and Post Roads in Siskiyou and other parts of the State of California, which was read first time and ordered to a second reading on to-morrow.

Assembly bill No. 1, an Act to legalize certain official acts of the County Judge of Klamath county, on its third reading ; on motion, referred to the Judiciary Committee.

Mr. Godard gave notice that at an early day he would introduce a bill to amend an Act entitled an Act to create a Board of Supervisors in this State.

Mr. Conness offered the following, which was adopted.

*Resolved*, That the Clerk of this House be authorised to appoint, from time to time, such number of copying and recording clerks as may be necessary to transact the business of the Assembly, but no clerk shall be kept under pay only when he is employed, which fact shall be certified to by the chief Clerk of the Assembly.

Mr. Herbert gave notice that he would at an early day, introduce a bill entitled an Act to authorize the State Treasurer to issue a duplicate Land Warrant to George W. Coffee.

Also, a bill entitled an Act amendatory to an Act, to amend an Act respecting fugitives from labor and slaves brought to this State prior to her admission into the Union, approved April 15, 1852.

Mr. Hoyt gave notice, that at an early day he would introduce a bill for an Act entitled an Act to provide for the better security and protection of Mining Claims.

Also, a bill for an Act providing for the establishment of police regulations for unincorporated mining towns.

The following message was received from the Senate :

I am instructed to inform the Assembly that they have this day passed the accompanying resolution, in which their concurrence is respectfully asked.

JOHN Y. LIND, Secretary.

Senate concurrent resolution appointing a joint committee to inquire into the contract made to codify the laws of this State, and report thereupon, was concurred in by the Assembly.

On motion, leave of absence was granted to Mr. Carillo for one day, Mr. Hagans for three days, Mr. Griffith indefinite, and the Speaker, Mr. Fairfax, also for an indefinite period ; and two days leave was granted to the Sergeant-at-Arms, and the Door Keeper instructed to act as Sergeant-at-Arms during such absence.

Mr. Ballou offered the following, which was adopted :

*Resolved*, That the Sergeant-at-Arms of the House be authorized to procure four official maps of the State of California, and put the same in a conspicuous part of the Assembly room for the benefit of members.

Assembly Joint Resolution in relation to Public Lands, on its third reading, on motion, referred to Committee on Public Lands.

Joint Resolution in favor of establishing a mail route by ocean steamships between San Francisco and China *via* the Sandwich Islands, on its third reading, referred to Committee on Federal Relations.

Joint Resolution in favor of an increase of the mail service between New York, New Orleans, and San Francisco, and between San Francisco and Olympia in the Territory of Washington, on its third reading.

Referred to Committee on Federal Relations.

Assembly bill an Act to repeal an Act entitled " An Act to provide for the Inspection of Flour," passed May 3, 1852, and to repeal an Act amendatory of an Act entitled " An Act to provide for the Inspection of Flour," passed May 18, 1853.

On its third reading, referred to Committee on Commerce.

Assembly bill an Act to repeal an Act to provide for the better publication of Official and Legal Notices, approved May 3, 1853 ; on its third reading,

Referred to Judiciary Committee.

Assembly bill, an Act to provide for the restoration of certain books, records, maps, and papers to Humboldt county now held by Trinity county ; on its third reading,

Referred to Judiciary Committee.

Mr. Whipple introduced a bill for an Act for the relief of the Treasurer of Klamath county.

Read first and second time, and referred to Committee of Ways and Means.

Mr. Herbert gave notice that he would, at an early day, introduce a joint resolution of instruction, in reference to a donation after a certain date, of six hundred and forty acres of land to the actual settlers in California.

Mr. Ashley introduced a bill for an Act to declare exempt from forced sales, under execution or other process, certain property of the several counties in this State.

Read first and second time and referred to Judiciary Committee.

Mr. Godard introduced a bill for an Act to repeal an Act entitled an Act to



amend the fourteenth section of an Act entitled an Act concerning the office of County Treasurer, passed March 27, 1850, approved May 17, 1853.

Read first and second time, and referred to Judiciary Committee.

Mr. Letcher offered the following, which was adopted.

Whereas, indefinite leave of absence has been granted to the Speaker in consequence of indisposition,

*Resolved*, That the House now proceed to the election of a Speaker, *pro tem*.

Mr. Conness placed in nomination the name of Mr. Mandeville, of Tuolumne county. There being no opposition, Mr. Mandeville received the following votes :

Messrs. Anderson, Ashley, Aylett, Bagley, Ballou, Bennett, Bostwick, Bowie, Briggs, Burton, Carr, Carrillo, Clingan, Conness, Cornwall, Dannels, Davidson, Dawley, Ewer, Fairfield, French, Gilbert, Godard, Gordon, Green, Hagans, Hastings, Henry, Herbert, Hollister, Houghtaling, Hoyt, Hubbard, Hubert, Hunt, James, Jones, Kellogg, Koll, Letcher, Lindsey, Musser, McBrayer, McDonald, McDuffie, McGee, McKinney, Nichols, Noel, O'Neil, F. A. Park, J. W. Park, Pratt, Purdy, Ring, Rowan, Spence, Springer, Stemmons, Stevenson, Stow, Sweasey, Sweetland, Tallmadge, Tivy, Van Cleft, Warmcastle, Watkins, Whipple, Whitman—70.

Mr. Mandeville having received all the votes cast, was duly elected Speaker *pro tempore* of the Assembly.

And on motion Messrs. Godard and Dawley were appointed a committee to wait upon Mr. Mandeville, and inform him of his election.

Mr. Mandeville appeared, was qualified as Speaker *pro tempore*, and in an appropriate manner returned his thanks to the Assembly for the honor conferred, and entered upon the discharge of his duties.

Mr. Dawley moved to print three thousand copies of the Governor's Inaugural Address.

Not agreed to.

On motion of Mr. J. W. Park, the House adjourned until 10 o'clock to-morrow.

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## HOUSE OF ASSEMBLY.

THURSDAY, January 12, 1854.

House met pursuant to adjournment.

The roll was called by the Clerk, and a quorum being present the Speaker pronounced the House ready to proceed to business.

The Journal of Wednesday read and approved.

Mr. Sweasey made the following report :

The committee to whom was referred the joint resolution relative to settlers on public land in California, respectfully beg leave to report—

That they have had the same under consideration and recommend its passage as speedily as possible, in order that it may reach our Senators and Representatives in Congress before the expiration of the time allowed in making settlements on unsurveyed lands.

The resolution was read, considered as engrossed and passed.

Mr. Van Cleft offered a concurrent resolution, which was adopted, to create a Joint Committee from each House to fix the *per diem* pay of the officers of the two Houses.

Messrs. Van Cleft, Conness and Letcher were appointed on the part of the House.

Mr. Stevenson gave notice that at an early day he would introduce a bill for the better compensation of Jurors in civil cases.

Mr. Stowe gave notice that he would at an early day introduce a bill for an Act for the formation of Chattel Mortgages.

Mr. Hoyt gave notice that at an early day he would introduce a bill changing the time of the election of certain county and township officers.

Mr. Springer gave notice that at an early day he would introduce a bill to abolish the office of Quarter Master General in the State of California.

Assembly Joint Resolution in reference to postal arrangements in this State.

Read a second time and referred to Committee on Federal Relations.

Assembly bill for an Act concerning the *per diem* of officers of the Assembly.

Read a second time and referred to Committee on Public Expenditures and Accounts.

Mr. McBrayer introduced a bill for an Act to repeal part of an Act passed May 18, 1853, entitled an Act to provide revenue for the support of the Government of this State.

Read first time and ordered to a second reading on to-morrow.

On motion, Mr. Conness was excused from serving as chairman of the Committee of Commerce and Mr. Dawley appointed in his place.

Mr. Van Cleft offered the following, which was adopted:

*Resolved*, That the Sergeant-at-Arms of the Assembly be authorized and empowered to receive and receipt to the Comptroller of State for the mileage and *per diem* warrants of members.

Mr. Ashley introduced a bill for an Act to amend an Act concerning Sheriffs, passed April 29, 1851.

Read first time and ordered to a second reading on to-morrow.

Mr. Tivy introduced a bill for an Act to abolish the Board of Supervisors in the county of Tulare.

Read first time and ordered to a second reading on to-morrow.

Mr. Herbert introduced a bill for an Act to authorize the State Treasurer to issue a duplicate Land Warrant to George W. Coffee.

Read first and second time and referred to Judiciary Committee.

Also, a bill for an Act amendatory to an Act to amend an Act respecting Fugitives from labor and Slaves brought to this State prior to her admission into the Union, approved April 15, 1853.

Read first time and ordered to a second reading on to-morrow.

On motion of Mr. Hoyt, the House adjourned until 10 o'clock to-morrow.

## HOUSE OF ASSEMBLY.

FRIDAY, January 13, 1854.

House met pursuant to adjournment.

The roll was called by the Clerk, and a quorum being present, the Speaker announced the House ready to proceed to business.

The Journal of Thursday was read and approved.

Mr. Conness presented a petition from the citizens of El Dorado, praying the pardon of one Timothy Donavan,

And introduced a bill to authorize the Governor of this State to grant a pardon.

Read first time and ordered to a second reading on to-morrow.

Mr. Hubert, from the Judiciary Committee, made the following report :

The Judiciary Committee, to whom was referred the bill to exempt from forced sale under execution or other process, certain property of the several counties of this State, report favorably to said bill, and recommend its passage with an amendment to the first section.

Assembly Bill number 10, an Act to declare exempt from forced sale under execution or other process, certain property of the several counties of this State, (amended in Committee.)

Amendment not agreed to by the House.

Bill read and ordered to a third reading on to-morrow.

Mr. Irwin made the following report :

Committee on Federal Relations, to whom was referred Joint Resolutions in relation to establishing a mail route from San Francisco to China, *via* the Sandwich Islands, have had the same under consideration and beg leave to report it back without amendment, and recommend its passage.

Joint Resolution in favor of establishing a mail route by ocean steamships between San Francisco and China, *via* the Sandwich Islands, considered as engrossed.

Read a third time and passed.

Mr. Ballou made the following majority report from the committee to whom was referred the Removal Question,

Which was read, and upon motion laid upon the table :

The undersigned, a majority of the Select Committee, to whom was referred so much of the Governor's Message, as relates to the present condition of the State Offices, together with a communication from the State Treasurer ; also, a proposition from certain citizens of Benicia, tendering the use of a secure building for State Offices ; also propositions from the county of Sacramento, and preamble and resolutions of the Common Council of Sacramento, relative to the removal of the Capital to that city ; having bestowed careful consideration on the subject, beg leave to report :

That they have personally examined the condition of the State Offices, and found them in a condition of insecurity, which demands prompt action on the part of the



Legislature, to provide places of greater security and safety for the preservation of the archives and other valuable property of the State, kept in the State Offices.

Your committee would also beg leave to state that they have made a personal examination of a certain building, which the citizens of Benicia have tendered to the State free of rent as long as the same may be required for State Offices, and found the same to be a substantial brick building, about thirty-four feet long by twenty-two feet wide, two stories high, containing in all six rooms. Said building if finished according to its design, will afford convenient offices for the Treasurer and Comptroller, but not entire security.

A majority of your Committee, in order to enable the Committee to present an accurate exhibit of the subject, deemed it their duty to visit Sacramento and make personal investigation of the advantages claimed for that city as the location of the Seat of Government.

The building offered for a State House, is the same that was occupied for that purpose during the session of 1852. It is a substantial brick edifice, sixty feet by eighty feet. On the floor there are eight rooms, twenty feet by twenty-four feet, in one of which is an ample fire-proof vault. The upper story, approached by a flight of steps from a wide hall passing through the centre of the building, is divided into three rooms; one of which is 36 by 80 feet; one 24 by 55 feet, and the third 24 by 25 feet; affording accommodations for the two Houses.

Your committee found at Sacramento, a condition of things, which has justly elicited from visitors to that city, enthusiastic eulogies upon the dauntless energy which in the short period of twelve months, has created within a space of two hundred acres, laid completely bare by the great conflagration, and subsequently, from the consequences of long continued rains and inundations, converted into one vast and almost impassable swamp—a city, in substantial wealth, commerce and population, the second in California.

The erection of several hundred brick buildings, all of them substantial, many of them magnificent—the raised thoroughfares substantially planked—and almost a new line of levee embankment, constructed with reference to safety only, on plans prepared by experience and previous disaster—the elevation and planking of the principal route to the interior—at once attest the confidence of the citizens in the permanence of their location, and the determination and perseverance with which they have met and overcome the unparalleled combination of disaster and misfortune with which that ill-fated city was visited in the autumn and winter of 1852 and '53.

In the location of a State Capital your Committee is of opinion that public convenience and public economy should be controlling considerations; in fact that they are indispensable to a final and permanent settlement of the question.

The undersigned readily unite in the opinion that while these elements so essential to a final settlement of the question, are almost wholly wanting in Benicia, are in an eminent degree possessed by Sacramento.

From the latter point, nine lines of splendid stages penetrate to every important point in the interior. Magnificent steamers plying daily to San Francisco and to cities and towns on the Sacramento and its tributaries, present facilities for speedy communication between the representative and his constituents, unequalled at any other place in the State. The fact that Sacramento affords daily communication with a population of 150,000, in itself establishes the proposition that the city is one of the great business centers of our State. It is also the center of an extensive system of telegraphic communication, either already in operation or in a state of forwardness, and is destined at no distant day, by its general advantages and geographical position, the center of an extensive system of railroads.

Having no facilities at Benicia for printing, the public printing has to be done at San Francisco, and in consequence of the delay occasioned by sending the printing away from the Capital, each House remains in profound ignorance of the proceed-



ings of the other for a period of twenty-four hours : and it is a fact well known, that during the last session of the Legislature, many important bills were acted upon while they were at San Francisco being printed.

The want of a law library at Benicia is another serious inconvenience that cannot be remedied except by a large appropriation of money, which the State is not in a condition to make.

Sacramento City having two extensive printing establishments, and a number of large law and miscellaneous libraries, those inconveniences would not be felt.

A very large portion of the people of the northern and middle sections of the State, are called frequently to Sacramento on private business, and can transact any and all business with the State, and pass on without delay ; whereas but few persons are called to Benicia, except upon business of the State, and to stop there at all, involves a loss of twenty-four hours. In addition to this, Benicia having no inland trade, being mainly dependent for support on the business attracted by the location of the seat of government, living will necessarily be a greater tax here than at a point where there is already an extensive competition between hotel and boarding-house keepers.

Without counting any other item, this alone will impose a heavier tax on the people in one year than would the removal of the Capital to Sacramento.

The time lost at the last session of the Legislature, in consequence of the want of a quorum to do business cost the people about fifty thousand dollars. Anticipating a like result from like causes, if the Legislature remains at Benicia, a provident economy seems to your committee, to demand its removal now.

At a large estimate the removal would not cost the State exceeding fifteen thousand dollars, and your committee confidently predict, that more than double that amount will be saved the State before the close of the session.

If the Capital remains at Benicia large appropriations must be made to erect safe and secure public buildings ; in fact a bill for that purpose has been already introduced.

In investigating this subject the attention of your Committee has been occupied by an event in the future, which must take place at no distant day ;—we mean a division of the State.

And whenever that event does occur the public buildings will be comparatively valueless—almost a total loss to the State.

Your Committee is aware that the frequent removals of the Capital, together with the expense of such removals, has been a subject of much and just complaint among the people. But the fact that reckless speculators have hitherto been able to mould and control legislation on this subject to suit their own personal views, and have signally failed to place it at any point indicated by public convenience or sustained by public sentiment, so far from being against another removal, forcibly points out the necessity of fixing the Capital at a point combining all the elements essential to a final and permanent settlement of this vexed question.

Believing that Benicia possesses but few of the advantages and elements referred to—that the subject will be agitated and discussed session after session, at great cost to the people until the removal is finally accomplished—a just regard for the interests of the State and the people seems to your Committee to command its removal now.

Your committee also believe that the public buildings offered for the use of the State by Sacramento city and county, and her banking houses, present greater security and protection for the archives and property of the State, together with more ample accommodations for the officers of State than is found at Benicia.

Therefore the undersigned, a majority of the committee, recommend that the proposition of the county and city of Sacramento be accepted.

All of which is respectfully submitted.

S. A. BALLOU.  
JOHN MUSSEY  
W. S. LETCHER.

Mr. Kellogg made the following minority report from the committee to whom had been referred the removal question, which was read and on motion laid upon the table :

MR. SPEAKER :

The undersigned, a minority of the Select Committee, to whom was referred so much of the message of his Excellency, the Governor, as relates to the present condition of the State offices, together with a communication from the State Treasurer ; also a proposition from certain citizens of Benicia, tendering the use of a secure building for State offices ; also, propositions of the county of Sacramento, and preamble and resolutions of Common Council of the city of Sacramento, relative to the removal of the State Capital to that city ; while they concur in that portion of the report of the majority of the committee which relates to the insecurity of the buildings in which are the offices of the Treasurer and Comptroller of State, and wherein the State archives are kept, and to the necessity of some prompt legislative action on the subject, are reluctantly compelled to differ from the opinions expressed and embodied in the remaining portion of said majority report, and submit the following report and recommend its adoption.

All of which is respectfully submitted.

H. B. KELLOGG,  
R. C. WHITMAN,  
Of Select Committee.

### REPORT.

The building offered by the citizens of Benicia for State offices, is a substantial brick building, thirty-two feet long by twenty-four feet in width, containing six fine rooms, sufficient for the accommodation of Secretary, Comptroller, and Treasurer of State. If accepted by the State for the purposes above named, it will be finished in a fire-proof manner, with iron doors and shutters, and a fire-proof vault, of the dimensions deemed requisite by the officers of State, erected in the basement, thus affording ample security for the treasury and archives of State.

The building tendered by the county of Sacramento for the present session of the Legislature, is the Court House, occupied by the Legislature of 1852, and in its present state does not offer convenient accommodations for the Legislature. By the removal of two partitions, two rooms of sufficient size would be obtained—one for the Assembly, thirty-six feet wide by eighty feet long—one for the Senate twenty-four feet wide by eighty feet long. The fire-proof vault referred to in the report of the majority, is entirely too small to contain a sufficient safe for the use of the State Treasurer, and its lock is of the simplest make and entirely insecure.

The enterprise and dauntless energy of the citizens of Sacramento are worthy of all praise, but it is somewhat to be doubted if even the dauntless energy aforesaid could, in the course of human events, have created a population only the second in California, unless by some means of propagation not generally known or commonly understood. While the disasters by fire and flood to which Sacramento has been subjected are to be lamented, it may very properly be doubted whether the fact, as stated in the majority report of this committee, that Sacramento has within twelve months been at once a desert and a swamp, is the most cogent of arguments for the removal of the State Capital to that place at the present time. At least one winter should try the efficacy of the new levee. The old levee was deemed secure, but at the time of trial it failed, and the future only can tell whether the present one will be more efficient. The majority of mankind, unlike the majority of this committee, are not gifted with prophetic vision, or the faculty of second sight, and must there-

fore wait for time to decide the question above stated. Time failed to examine in detail the several hundred brick buildings referred to in the report of the majority of this committee, and therefore the assertion that all of them are substantial, must be referred to the prophetic vision aforesaid. The magnificence of some is apparent, inasmuch that one of them is styled, *par excellence*, the "Palace."

The uninformed have generally supposed that several lines of daily stages have afforded communication between Sacramento and the interior of the State; it would, however, be the height of folly and presumption to dispute the wisdom and accuracy of the statement of the majority of this committee that nine lines of "splendid stage companies" penetrate to every important point in the interior, although at first blush the operation would be rather difficult.

The statement made in the report of the majority of the committee, that Sacramento is already the centre of an extensive system of telegraphic communications, and is destined to be, at no distant day, the centre of an extensive system of railroads, is to be referred to the prophetic vision before mentioned, to which the minority of this committee lay no claims.

The State printing can, if necessary, be done at Benicia, but undoubtedly will be done wherever the State Printer may see fit.

The profound ignorance mentioned in the report of the majority of this committee can readily be obviated by an inspection of the daily proceedings of either House.

A few of the legal fraternity in Benicia had supposed that they possessed at least the germs of a law library, but they must yield to the fiat of a majority of this committee, and the minority thereof must suppose that the books in the State Library, some four thousand volumes in number, are like Peter Pindar's razors, "made for show and not for use."

The minority of this committee are unable to understand the logic which makes the high price of board in Benicia a heavier direct tax upon the people in one year than would the removal of the Capital to Sacramento, although the same is asserted in the report of the majority of this committee. The minority also believe that members of the Legislature were elected to serve the State, and not for the purpose of endeavoring to amass a competence from their *per diem*.

If the sum of fifty thousand dollars was lost to the State during the last session of the Legislature for want of a quorum, the members were derelict in their duty; but to suppose a similar occurrence in the present Legislature, is to impute to them a wilful neglect of duty not yet apparent.

At a small estimate the removal of the capital would not cost the State less than fifty thousand dollars, and the minority of this committee do not venture confidently to predict that more than double that amount would be saved the State before the close of the Session, for the reason that they are guided by facts and not by fancy.

The building proffered by the citizens of Benicia, for the State officers are as secure as any other offered, and would be sufficient for years, should none other be proffered.

The minority of this Committee, not conceiving that it falls within their province to decide a question which requires close and minute investigation, do not offer an opinion on the subject of the division of the State.

Not having definite information as to the precise point where the dividing line will be drawn, they are unable to determine upon the relative claims of Benicia and Sacramento, in reference to their proper locality for the future Capital of one of the States, that is to be; and are further inclined to think, that perhaps neither would possess the desired requisites. They believe that the bold prominence claimed for the city of Sacramento, as the future Capital of the future northern State, is an assumption which may be well disputed by her sister city Marysville, whose claims are equal if not superior. But as your Committee were elected as Representatives



the People of the State of California, as it now exists, they do not feel competent to legislate for the people of an embryo State.

The people have justly complained of the frequency and expense of removals, and are now opposed to any agitation of this question. The minority of this Committee believe that the voice of the people should be heard and obeyed.

The Capital has already been removed seven times, and the expenses of the several removals, are at a low estimate as follows :

1. From Monterey to San Jose,	\$1,100 00
2. From San Jose to Vallejo,	57,419 04
3. From Vallejo to San Jose,	348 00
4. From San Jose to Vallejo,	8,064 00
5. From Vallejo to Sacramento,	13,159 50
6. From Vallejo to Sacramento,	1,100 00
7. From Vallejo to Benicia,	12,000 00
Total,	\$93,190 54

The above statistics, with the exception of the last two items, are compiled from the reports of the Comptroller, and a careful estimate of the per diem of members and officers during the adjournments, for the purposes of removal, and the extra mileage to the new Capitals. Various other items of expenditures, well known to persons attached to the Legislatures at the times of the several removals, cannot be accurately ascertained, and therefore are not stated, which would probably swell the amount to at least \$150,000. Such reckless and profuse expenditures have justly rendered the removal of the Capital a by-word and reproach.

It is now proposed to remove the Capital for the eighth time ; the cost of which will be as follows :

The State gives up the present State House, worth	\$27,000 00
Per diem of Members and Officers during the adjournment of seven days,	14,000 00
Extra Mileage to Sacramento,	4,472 00
Damage to furniture by removal,	1,000 00
	\$46,472 00

The propositions of the citizens of the county and city of Sacramento, as referred to this committee, are exceedingly meagre. They proffer to the State a building to be used for the present session of the Legislature only ; thereby leaving the State officers at the close of the session, without accommodations, and the place of assembling for the next Legislature, a matter of indefinite conjecture. The State already possesses a State House sufficiently commodious, donated to her by the city of Benicia, so long as it may be used for State purposes ; and may have if she choose to accept the proposition of the citizens of Benicia, referred to this committee, secure and comfortable offices for the officers of State, so long as they may choose to occupy the same. The minority of this committee deem it impolitic to relinquish such substantial advantages, even for the proffered freedom and hospitality of the city of Sacramento.

In conclusion, the minority of this committee would recommend that the propositions of the citizens of Benicia, referred to this committee, be accepted.

H. B. KELLOGG,  
B. C. WHITMAN,  
Of the Select Committee.



Mr. Ballou presented a proposition from the City Council of Sacramento, proposing to donate to the State the public square between I and J and Ninth and Tenth streets, upon condition that Sacramento be made the permanent Seat of Government.

Proposition read and on motion laid upon the table.

Mr. O'Neil, Chairman, made the following report :

The committee on engrossed bills have examined and find correctly engrossed, Joint Resolution relative to settlers on public land in California.

The following message was received from the Senate :

MR. SPEAKER :

I am instructed to inform the Assembly that the Senate have concurred in their resolution that the committee appointed to fix the compensation of their respective officers should act jointly ; also,

That the Senate yesterday passed the accompanying bill for an Act to amend an Act entitled an Act concerning Jurors, approved May 3, 1852 ; and also,

Have adopted the resolution herewith transmitted, in which their concurrence is respectfully requested.

JOHN Y. LIND, Secretary.

Senate bill for an Act to amend an Act entitled an Act concerning Jurors approved May 3, 1852. Read first and second time and referred to Judiciary Committee.

Senate Concurrent Resolution to appoint a Joint Committee to examine the returns and other facts connected with the election of Gov. Bigler in 1851 ; upon which Mr. Irwin demanded the ayes and noes :

Those who were in favor of the committee were :

Messrs. Anderson, Aylett, Bagley, Ballou, Bradford, Briggs, Carr, Carrillo, Clingan, Conness, Dannels, Davidson, Dawley, Fairfield, Gilbert, Godard, Gordon, Greene, Hastings, Hoff, Hollister, Hoyt, Hubbard, Hubert, Hunter, Irwin, James, Jones, Kellogg, Letcher, Mandeville, Musser, McBraver, McDonald, McDuffie, Nichols, Noel, O'Neil, F. A. Park, J. W. Park, Pratt, Purdy, Ring, Rowan, Spencer, Springer, Stenmons, Stevenson, Stowe, Sweazey, Tallmadge, Tivy, Van Cleft, Watkins—54.

Those who were opposed to creating a Joint Committee were :

Messrs. Ashley, Bennett, Bostwick, Bowie, Burton, Cornwall, Ewer, French, Hagan, Henry, Herbert, Horr, Houghtaling, Hunt, Kell, Lindsey, McGee, McKinney, Sweetland, Warmcastle, Whipple, Whitman—22.

So the House determined to appoint a committee, and Messrs. Tallmadge, Watkins and Horr were appointed.

Mr. Herbert gave notice that he would on to-morrow introduce a bill requiring the Comptroller to audit certain bills of the members of the present Legislature.

Mr. Bradford gave notice that he would at an early day introduce a bill for an Act to establish a State University and provide for its support ;

A bill for an Act to provide for the better protection of Settlers; also,  
A bill for an Act to protect the rights of persons not parties to executions and  
her processes.

Mr. Hunter gave notice that at an early day he would introduce a bill granting  
wnships in the agricultural portions of the State the right to regulate water  
urses and ditches within their limits.

Mr. Stowe offered the following, which was adopted :

*Resolved*, That the committee appointed to inquire relative to the codifying and  
ublication of the laws of this State be, and they hereby are instructed to report to  
is House promptly.

Mr. Ballou gave notice that he would at an early day introduce a bill legalizing  
tain acts of the County Recorder of El Dorado county.

Mr. Tallmadge gave notice that he would at an early day introduce a bill for an  
ct to secure a uniform system of practice in the courts of this State.

Mr. Bostwick gave notice that he would at an early period of the session intro-  
uce a bill to submit to the legally qualified voters of California, at the next gene-  
l election, the permanent location of the Capital of the State.

Mr. James gave notice that he would at an early day introduce a bill for an Act  
authorize the Comptroller of State to draw a duplicate warrant on the Treasurer  
State in favor of Samuel W. Langton for the sum of seventy-five dollars.

Mr. McKinney gave notice that he would at some future day introduce a bill for  
Act to amend an Act entitled an Act to fix the compensation of County Judges  
nd Associate Justices of the Court of Sessions, and to repeal a like Act, passed  
pril 22, 1850.

Mr. Dawley gave notice that he would at an early day introduce a bill to repeal  
An Act to provide for the measurement of lumber, passed April 30, 1853.

Mr. Hubert gave notice that at an early day he would introduce a bill to regulate  
es in office, and repeal a like Act passed May 1, 1851.

Mr. Hunt gave notice that on some future day he would introduce a bill for the  
etter protection and government of the Indians.

Also, a bill for the relief of Paul Weaver.

On motion, Mr. James was added to Committee on Roads and Highways, and  
Mr. Carrillo was added to the Committee on Education.

Mr. Spencer gave notice that at an early day he would introduce a bill to amend  
an Act defining the duties of County Clerks, passed April 18, 1850.

Mr. Hoyt introduced the following :

*Resolved*, That one thousand copies of the Governor's Inaugural Address be  
rinted for the use of this House.

And Mr. Tallmadge demanded the ayes and nays.

Those who voted to print were—

Messrs. Aylett, Bostwick, Bowie, Bradford, Carr, Carrillo, Clingan, Dawley,  
Fairfield, French, Gilbert, Godard, Greene, Henry, Herbert, Hoff, Horr, Hough-  
aling, Hoyt, Hubbard, Hunt, Irwin, Koll, Musser, McBrayer, McDuffie, Nichols,  
O'Neil, J. W. Park, Ring, Rowan, Spencer, Stemmons, Stowe, Sweatland, Tivy,  
Warmcastle, and Whitman—38.

Those who were opposed to printing, were—

Messrs. Anderson, Ashley, Bagley, Ballou, Bennett, Briggs, Burton, Conness, Cornwall, Dannels, Davidson, Ewer, Gordon, Hagans, Hastings, Hollister, Hubert Hunter, James, Jones, Letcher, Lindsey, Mandeville, McDonald, McGee, McKinney, Noel, F. A. Park, Pratt, Purdy, Springer, Stevenson, Sweazey, Tallmadge Van Cleft, Watkins, Whipple—37.

So the House decided to print one thousand copies.

Assembly bill No. 13, an Act to amend an Act concerning Sheriffs, passed April 29, 1851.

Read second time and referred to Judiciary Committee.

Assembly bill No. 14, an Act to repeal part of an Act passed May 18, 1853 entitled an Act to provide revenue for the support of the Government of this State

Read second time and referred to Committee of Ways and Means.

Assembly bill No. 15, an Act to abolish the Board of Supervisors in the county of Tulare.

Read a second time, and referred to the delegation from Tulare and Mariposa.

Assembly bill No. 17, an Act amendatory of an Act to amend an Act respecting fugitives from labor and slaves brought to this State prior to her admission into the Union, approved April 15, 1852.

Read a second time and referred to Judiciary Committee.

Mr. Nichols presented a communication from the citizens of Benicia, in reference to a donation of lots for State purposes.

Read and laid upon the table.

Mr. Kellogg presented a proposition from a House in Benicia, proffering the second story of a brick building for State purposes.

Read and laid upon the table.

Mr. McBrayer introduced a bill for an Act to provide for the salary of the Governor's Private Secretary, and to make the same payable out of the General Fund.

Read first time and ordered to a second reading on to-morrow.

Mr. Hoff introduced a bill in relation to the Insane Fund.

Read first time and ordered to a second reading on to-morrow.

Mr. Carrillo gave notice, that he would at an early day introduce a bill authorizing the Court of Sessions of Santa Barbara to impose a tax of one and a half per cent. on the value of real estate in said county for jail purposes.

Mr. Van Cleft, from the Joint Committee of the Senate and Assembly, made the following report:

The Joint Committee appointed to report upon the per diem of the officers of the Senate and Assembly, respectfully present the following report:

They recommend the following sums, viz:

Secretary of the Senate and Clerk of Assembly, \$16 per day;

Assistants do. \$14 per day;

Sergeant-at-Arms, \$16 per day;

Enrolling and Engrossing Clerks, \$12 per day;

Extra Clerks, \$12 per day;

Doorkeepers, \$12 per day;

Pages, \$7 per day;

Porters, \$8 per day.

And such fees for arrests and traveling, as may be authorized by rules by the Senate and Assembly for their respective officers.

Read and referred to Committee on Public Expenditures.

On motion of Mr. Conness, the House took a recess until 3 o'clock, P.M.

3 O'CLOCK, P. M.

House met pursuant to adjournment.

Mr. Stowe introduced a bill for an Act to provide for the formation of chattel mortgages.

Read first time and ordered to a second reading on to-morrow.

Mr. J. W. Park offered the following, which was on motion, laid upon the table.

*Resolved*, That two hundred and forty copies of all bills introduced in the Assembly be printed after their first reading unless otherwise ordered by the Assembly.

On motion of Mr. O'Neil, the House adjourned until 10 o'clock to-morrow.

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## HOUSE OF ASSEMBLY.

SATURDAY, January 14, 1854.

House met pursuant to adjournment.

The roll was called by the Clerk, and a quorum being present the Speaker announced the House ready to proceed to business.

The Journal of Friday was read, amended and approved.

On motion leave of absence was granted to Mr. McBrayer for one day, and to Mr. Stevenson until Tuesday next.

Mr. Herbert from the Committee of Ways and Means, made the following report :

The Committee to whom was referred Assembly bill No. 9, entitled an Act for the relief of the Treasurer of Klamath county, have had the same under consideration, and would report the same back to the House without amendment, and recommend its passage.

The bill was considered as engrossed, read a third time and passed.

Mr. Dawley made the following report :

The Committee on Commerce, to whom was referred an Act to repeal the several Acts providing for the inspection of Flour in this State, beg leave to report, that they have had the same under consideration and recommend its immediate passage.

The bill was then considered as engrossed, read a third time and passed.

Mr. Irwin, Chairman, made the following report :

The Committee on Federal Relations, to whom was referred Joint Resolutions in favor of an increase of the mail service between New York, New Orleans and San



Francisco, and Olympia in the territory of Washington, beg leave to present the accompanying resolution as a substitute, and respectfully recommend its passage.

The substitute was adopted, considered as engrossed, read a third time and passed.

Mr. O'Neil made the following report :

The Committee on Engrossed Bills have examined and find correctly engrossed Joint Resolution in favor of establishing a mail route by ocean steamships, between San Francisco and China, via the Sandwich Islands.

Mr. Conness from the Joint Committee on Rules, made the following report, which was adopted, and two hundred and forty copies of the rules of the Assembly, together with the joint rules, were ordered to be printed.

## JOINT RULES AND ORDERS OF THE SENATE AND ASSEMBLY.

### RULE I.

In every case of an amendment of a bill agreed to in one House and dissented to in the other, if either House shall request a conference and appoint a committee to confer, such committee shall at a convenient hour, to be agreed on by their Chairman, meet in their conference chamber and state to each other verbally or in writing as either shall choose, the reasons of their respective Houses for and against the amendment, and confer freely thereon.

### RULE II.

When a message shall be sent from the Senate to the Assembly it shall be announced at the door by the Door-Keeper, and shall be respectfully communicated to the Chair by the person by whom it may be sent.

### RULE III.

The same ceremony shall be observed when a message shall be sent from the Assembly to the Senate.

### RULE IV.

Messages shall be sent by the Secretary, Clerk, or by such persons as a sense of propriety in each House may determine to be proper.

### RULE V.

While bills are on their passage between the two Houses they shall be on paper and under the signature of the Secretary or Clerk of each House respectively.

### RULE VI.

After a bill shall have passed both Houses it shall be duly enrolled by the Clerk of the Assembly or the Secretary of the Senate, as the bill may have originated in

the one or the other House, before it shall be presented to the Governor of the State.

## RULE VII.

When bills are enrolled they shall be examined jointly by the Enrolling Committees of the Senate and the Assembly, appointed as standing committees for that purpose, who shall carefully compare the enrollment with the engrossed bills, as passed in the two Houses, and correcting any errors that may be discovered in the enrolled bills, make their report forthwith to their respective Houses.

## RULE VIII.

After examination and report each bill shall be signed in the respective Houses, first by the Speaker of the Assembly then by the President of the Senate.

## RULE IX.

After a bill shall have thus been signed in each House, it shall be presented by the said committee to the Governor of the State, for his approbation, (it being first endorsed on the back of the roll certifying in which House the same originated, which endorsement shall be signed by the Secretary or Clerk, as the case may be, of the House in which the same originated,) and shall be entered on the Journals of each House. The said Committee shall report the day of presentation to the Governor, which time shall also be carefully entered on the Journals of each House.

## RULE X.

All orders, resolutions and votes which are to be presented to the Governor of the State for his approbation, shall also in the same manner be previously enrolled, examined and signed, and shall be presented in the same manner and by the same committee as provided in the case of bills.

## RULE XI.

When the Senate and Assembly shall judge it proper to make a joint address to the Governor, it shall be presented to him in his audience chamber by the President of the Senate, in the presence of the Speaker and both Houses.

## RULE XII.

When a bill or resolution which shall have passed in one House is rejected by the other, notice thereof shall be given to the House in which the same shall have passed.

## RULE XIII.

When a bill or resolution which has been passed in one House shall be rejected in the other, it shall not be brought in during the same session, without a notice of five days, and leave of two-thirds of that House in which it shall be renewed.

## RULE XIV.

Each House shall transmit to the other all papers on which any bill or resolution shall be founded.

## RULE XV.

After each House shall have once adhered to their disagreement a bill or resolution shall be lost.

## RULE XVI.

No bill or resolution that shall have passed the Assembly and Senate shall be presented to the Governor for his approbation on the last day of the session.

## RULE XVII.

No appropriations of money for any purpose whatever shall be made, except by bill.

## RULE XVIII.

No spirituous liquors shall be offered for sale or exhibited within the Capitol, or public grounds adjacent thereto.

Mr. Tivy made the following report:

The delegation of Tulare and Mariposa, to whom was referred a bill for an Act to abolish the Board of Supervisors in the county of Tulare, beg leave to report that they have had the same under consideration and respectfully recommend its passage.

The bill was read, considered as engrossed, read a third time and passed.

Mr. Henry gave notice that at an early day he would introduce a bill in reference to lawful fences.

Mr. Letcher introduced a joint resolution relative to the establishment of a State Agricultural Institute.

Read first time and ordered to a second reading on to-morrow.

Mr. Stowe offered the following, which was adopted:

*Resolved*, By the Assembly, the Senate concurring, That the Attorney General be, and he hereby is, directed to prepare and present to the Legislature now in session, at the earliest practicable period, an *Opinion* on the legality of locating School Land Warrants as now practiced in this State.

Mr. Ewer gave notice that he would at an early day introduce a bill to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of Justice of this State, passed April 29, 1851.

Mr. Warmcastle gave notice that at an early day he would introduce a bill to authorize County Judges to hold County Courts of adjoining counties in certain cases.

Mr. Hagans gave notice that at some future day he would introduce a bill to allow pay to the Inspectors, Judges and Clerks of Elections.

Mr. Bradford gave notice that on Monday next he would introduce certain amendments to the Constitution, in accordance with the recommendations in the Governor's Message.

Mr. Letcher gave notice that he would at an early day introduce a bill for the establishment of a State Agricultural Society.

Assembly bill No. 20, an Act in relation to the Insane Fund.

Read second time, considered as engrossed, read a third time and passed.

Assembly bill No. 18, an Act authorizing the Governor to pardon Timothy Donovan.

Read second time and referred to Judiciary Committee.

Assembly bill No. 19, an Act to provide for the salary of the Governor's Private Secretary and to make the same payable out of the General Fund.

Read second time.

Mr. Gordon moved to indefinitely postpone the bill.

Mr. Bradford moved to lay the motion to indefinitely postpone upon the table.

Agreed to.

Assembly bill No. 10, an Act to declare exempt from forced sale under execution or other process certain property of the several counties of this State.

Taken up for a third reading; on motion it was recommitted to the Judiciary Committee.

Assembly bill No. 21, an Act to provide for the formation of Chattel Mortgages,

Read second time and referred to Judiciary Committee, and 240 copies ordered to be printed.

On motion, Mr. Ashley was added to the Judiciary Committee, and Mr. Nichols to the Committee on State Prison.

The following message was received from the Governor with the accompanying documents from the Land Commissioners of California.

EXECUTIVE DEPARTMENT, }  
Benicia, January 14, 1854. }

*To the Senate and Assembly of California :*

I have the honor herewith to transmit two communications from the Board of Land Commissioners, organized under the provisions of an Act approved May 18th, 1853, to dispose of the State's interest in certain property within the limits of the city of San Francisco, and defined by the Act of March 26, 1851.

The amendments to the existing law suggested by the Commissioners are deemed important and necessary, and if speedily considered and adopted by the Legislature, will enable the Board, in a few months, to dispose of the whole property, at its full value and to the benefit of the State.

JOHN BIGLER.

SAN FRANCISCO, CAL., }  
January 10, 1854. }

His Excellency JOHN BIGLER,  
Governor of California.

SIR: In addition to the recommendations made in our report to the Legislature, we would recommend, (if it meet your views,) that this Board be permitted to sell property as often as once a month, and that the amount of sale be left in the discretion of the Commission, provided the same do not exceed the sum of five hundred thousand dollars at any one sale.

This, we think, would facilitate the disposition of the State property, and at the



same time enable the State to realize its full value, as surely as it now does under the present law.

Very respectfully, your obedient servants,

L. PICKERING,  
JOSEPH HOPKINS,  
J. T. LOVE.

*To the Hon. the Legislature of the State of California :*

The undersigned, Commissioners appointed under the Act of the Legislature of the 18th May, 1853, "To provide for the sale of the interests of the State of California in the property within the water line front of the city of San Francisco, as defined in and by the Act entitled 'An Act to provide for the disposition of certain property in the State of California,' passed March 26, 1851," respectfully report—

That they organized the Board on the 31st day of May last, pursuant to the Act and proceeded to ascertain the interest of the State in the lands bounded by Jackson street on the north, Front street on the east, Washington street on the south and Montgomery street on the west, and came to the conclusion that the State was the owner of the land in fee, with the right to immediate possession, and advertise to sell "All the right, title, and interest of the State" therein, on the 10th day of August, which sale was afterwards postponed to the 12th day of September.

Prior to the opening of the sale on that day, the Commissioners and Auctioneer were severally restrained by the service of five injunctions, issued out of the Superior Court for the city of San Francisco, three of which are still pending.

These injunctions were deemed by the Board to be illegal and void, under section 15 of said Act, and the undersigned, through auctioneer, proceeded to sell, regardless of the injunctions; and after having sold one lot, they, together with the auctioneer, were arrested by the Sheriff of San Francisco county, upon orders issued out of the same Court, and detained in custody five days.

In the meantime, on the application of the Commissioners and auctioneer, a writ of *habeas corpus* was allowed by the Hon. Alexander Wells, one of the Justices of the Supreme Court, by virtue of which, they were brought before him, and by the counsel demanded a discharge, which was refused, and were held to answer for contempt before the Superior Court.

The decision of this Court, in its effect, nullified the section of the Act referred to, by declaring it unconstitutional and void, and that the parties in custody were guilty of contempt. No fine, or other penalty, however, was imposed, and the discharge directed to be entered. The sale, in the meantime, having been adjourned from day to day. The Commissioners sold on the 5th day of October, one lot not covered by injunctions.

On the 20th of October, (the sale having been continued, and two of the injunctions modified,) the auctioneer, as was directed, sold ten lots, completing the sale of one entire block, amounting, in the aggregate, to the sum of one hundred and forty-three thousand seven hundred dollars. The purchaser of one of these lots failed to comply with the terms of sale, thereby reducing the amount to one hundred and twenty-three thousand seven hundred dollars. This lot was resold on the 28th of December, on account of and at the expense of the purchaser. The Board having received numerous solicitations from the Federal officers to withhold from sale much of the Custom House block as was advertised, came to the conclusion that it might be conducive to the interests of the State to authorize the sale of that block to the General Government, and therefore turned their attention to the disposition of other property, and suggest that some officer be empowered by the Legislature to dispose of the property to the General Government, if required for Custom House purposes.

While the other injunctions were pending, the sale was continued until the 21st

ay of October, when the same was postponed, the Court not having decided the injunctions. The property embraced in the injunctions still pending is bounded by Jackson, Sansome, Washington, and Montgomery streets.

The plaintiffs in these actions upon which injunctions issued do not claim under leases from military officers of the General Government, but, as *they* allege, under good and valid grants, and as they also allege that the property was reclaimed from the overflowing of the tide previous to the admission of California into the Union, whereby their titles were established.

The Board had no power under the Act to test the validity of these claims, except by resort to litigation—a measure desirable to be avoided if possible.

The lands which were next advertised for sale, are bounded on the north by Broadway, on the east by Davis, on the south by Pacific, and on the west by Sansome streets; also, all between Jackson, Drumm, Washington, and Front streets, the greater portion of which was struck off by the auctioneer on the 28th day of December, amounting in the aggregate to the sum of three hundred and fifty thousand and four hundred and seventy-five dollars. Three of the lots were however not taken by the purchasers. The aggregate amount of sales, up to January 1, 1854, is four hundred and eighty-one thousand nine hundred and twenty-five dollars. For seven thousand seven hundred and fifty dollars, of which (the difference between the price bid for the lot, on the 20th of October, and the price which it sold for on the 28th of December,) a suit has been instituted.

The total expenses of the Commissioners, including the salaries of the Board and Secretary, rent, furniture, fuel, stationery, advertising in the papers required by law, printing catalogues of sales and daily proceedings, as also required by law, counsel fees, maps and other incidental expenses, amount to the sum of twenty-two thousand seven hundred and ninety-six dollars, a full report of which, more in detail, has been filed with the Comptroller after each sale. The Act constituting the Board empowered the Commissioners to enter upon and take possession of all property and interests of property of whatever description, of the State of California "within the water-line front of the city of San Francisco." They therefore deem it proper to state that there will be due from the city of San Francisco, from the sale of lots made by the city on the 26th day of December, 1853, in twenty days from that date the sum of two hundred and ninety-eight thousand four hundred and thirty-seven dollars, as the share of the State arising from such sale, provided all the lots shall be taken.

The sales of the Commissioners have been confined to the property within the Government Reserve, the extent of all of which has not been ascertained for want of powers in the Board to send for persons and papers, a large amount of which remains unsold, which, together with the reversionary interest in other property, will probably add to the resources of the State one million and a half of dollars.

It may be proper, perhaps, to add, that the attention of the Attorney General has been called by us to the Leidesdorff estate, and will, no doubt, receive his early consideration, inasmuch as it is of great value, and is believed to have escheated to the State.

All of which is respectfully submitted.

LEVI HERMAN, President.  
L. PICKERING,  
J. S. LOVE,  
GEO. O'DOHERTY,  
JOSEPH HOPKINS.

*San Francisco, Cal., January 7, 1854.*

Mr. Tallmadge moved to print 240 copies of the message and accompanying documents, which was not agreed to.

On motion of Mr. Conness the message and documents were referred to the Committee on Public Lands, with instructions to report a bill.

Mr. Green moved to reconsider the vote which refused to print the Governor's message and accompanying documents, and demanded the ayes and nays.

Those who voted to reconsider were :

Messrs. Aylett, Bennett, Bostwick, Bowie, Bradford, Briggs, Carr, Clingan, Dannels, Davidson, Dawley, Ewer, Fairfield, French, Godard, Green, Hagan, Hastings, Herbert, Henry, Hoff, Horr, Hollister, Houghtaling, Hubbard, Hubert, Hunt, Irwin, Koll, Musser, McDonald, McDuffie, Noel, O'Neil, F. A. Park, J. W. Park, Pratt, Ring, Rowan, Spencer, Stemmons, Stowe, Sweetland, Tallmadge, Tivy, Warmcastle, Whipple—47.

Those who opposed a reconsideration were :

Messrs. Anderson, Ashley, Ballou, Burton, Carrillo, Conness, Cornwall, Gordon, Hunter, James, Jones, Kellogg, Letcher, Lindsey, Mandeville, McGee, McKinney, Purdy, Springer, Sweasey, Van Cleft, Watkins, Whitman—23.

So the House reconsidered the vote.

The question then came up to print 240 copies, upon which the ayes and nays were demanded.

Those who voted to print were—

Messrs. Bennett, Bostwick, Bowie, Bradford, Briggs, Carr, Clingan, Dannels, Davidson, Dawley, Ewer, Fairfield, French, Godard, Green, Hagans, Hastings, Henry, Herbert, Hoff, Hollister, Horr, Houghtaling, Hubbard, Hubert, Hunt, Irwin, Koll, Musser, McDonald, McDuffie, Nichols, Noel, O'Neil, F. A. Park, J. W. Park, Pratt, Ring, Rowan, Spencer, Stemmons, Stowe, Sweetland, Tallmadge, Tivy, Warmcastle, Whipple—47.

Those who opposed printing were—

Messrs. Anderson, Ashley, Aylett, Ballou, Burton, Carrillo, Conness, Cornwall, Gordon, Hunter, James, Jones, Kellogg, Letcher, Lindsey, Mandeville, McGee, McKinney, Purdy, Springer, Sweasey, Van Cleft, Watkins, and Whitman—24.

So the House resolved to print 240 copies.

The following message was received from the Governor, transmitting two communications from the State Treasurer, and the opinion of the Attorney General in reference to the reception of State Prison bonds for State dues.

EXECUTIVE DEPARTMENT, }  
Benicia, January 14, 1854. }

*To the Senate and Assembly of California :*

I have the honor herewith to transmit a communication from Hon. S. A. McMeans, Treasurer of State, in relation to State Prison Bonds received by his predecessor in office, in payment for property sold by the Commissioners on the 28th of December, 1853.



The late State Treasurer has received about ninety-two thousand dollars in State Prison Bonds, which the present Treasurer refuses to receive for reasons set forth in his communication.

In order to arrive at a correct understanding of this subject, it will be necessary to examine the Funding Acts of 1851, 1852 and 1853, the Act authorizing the erection of a State Prison, as well as the Act organizing a Board to dispose of the State's interest in property within the limits of the city of San Francisco, as defined by the Act of March 26, 1851.

By the 10th section of the Funding Act of 1851, it is provided that "the proceeds of the sales of *all* lands *now* held, or that may be hereafter acquired by this State in her own right, except those reserved by the Constitution for School purposes, shall be set apart as a Sinking Fund, to be applied to the redemption of said bonds.

The 8th section of the Funding Act of 1852, sets apart for the redemption of the bonds authorized to be issued, the surplus remaining in the treasury after the bonds authorized by the Act of 1851, shall have been redeemed.

The 10th section of the Act of May 18, 1853, which authorizes the sale of the property, also sets apart the *cash* proceeds for the redemption of outstanding bonds, as follows, viz :

"The cash proceeds of all sales shall forever be and remain

First, A sinking fund, for the payment and redemption of the principal and interest of the three per cent. bonds of the State, and of the seven per cent. civil bonds, to be applied to such purposes as hereinafter provided, and in accordance with existing law ; and

Second, After such payment and redemption, the balance, if any, shall be paid into the treasury to the credit of the general fund."

It is true that the 7th section of the Act of May 18th, 1853, authorizes "cash or the civil bonds of the State of California, or the civil warrants of the Comptroller of State on the Treasury," to be received in payment for the property sold.

This Act, it will be observed, was passed May 18, 1853. The language of the Act, in regard to payments for the property directed to be sold, is therefore to be interpreted with reference to that date, and in view of the antecedent legislation of the State in reference to her civil debt.

It is true that in an enlarged sense of the term "*civil*," all the bonds issued by a State are *civil bonds*, but it is also true that the term is used in a more restricted and limited sense ; and the extent of its meaning in this case, is to be derived from a review of the legislation of the State in regard to its public debt, prior to the passage of the Act providing for the erection of a State Prison.

This legislation exhibits a series of Acts, all looking to the same end, viz : provision for the payment of past debts or debts to arise within a given future period.

The first of the series is the Act of April 29th, 1851, entitled "An Act to fund the debt of the State." Section 1st provides "that with a view to fund the present debt, etc.

The second Act passed May 1st, 1852, is entitled "An Act to fund the indebtedness of the State which has accrued, or may accrue, from April 29, 1851, to Dec. 31, 1852, inclusive, and to provide for the payment of the three per cent. bonds."

The fifth section provides that "from and after the passage of this Act, all persons having any indebtedness of the State, which has been or may be contracted for *civil purposes*, since April 29, 1851, up to December 31, 1852, inclusive, in the form of warrants drawn by the Comptroller," etc., "shall receive bonds in exchange therefor."



The third in the series is an Act passed May 4, 1852, entitled "An Act supplementary to an Act to fund the debt of the State," passed April 29, 1851.

The fourth is an Act passed May 17, 1853, entitled "An Act supplementary to an Act to fund the indebtedness of the State which has accrued or may accrue, etc. approved May 1, 1852." Section first of this Act provides that "with a view to fund so much of the *civil debt* of the State, which has accrued and remains unpaid since Dec. 31, 1852, and so much as may accrue up to June 30, 1853, inclusive, etc., the Treasurer shall cause to be prepared a sufficient number of bonds, etc.

This Act is the last of the series composed of Acts and Supplementary Acts, each passed with direct reference to the one which preceded it, and all having in view the payment of indebtedness incurred prior to the passage of the several Acts; the last of which makes provision for the *civil debt up to June 30, 1853*, leaving all indebtedness subsequently incurred to be provided for by the Legislature.

By this series of laws we have the *civil debt* of the State clearly defined, both as to its character and extent.

At the time of the passage of the Act of May 18, 1853, the Prison Bonds were not a subsisting debt, nor indeed could they have been issued so as to form any portion of the "*civil debt*," on or before June 30, 1853.

In view of the fact that, by Acts passed in the years 1851, 1852 and 1853, the proceeds from the sales of this property were set apart for the redemption of the *civil bonds* issued prior to June 30, 1853, the Legislature, by the Act providing for the erection of a State Prison, authorized the collection of a special tax for the payment of the interest on the bonds to be issued, and annually, a portion of the principal.

The 15th section provides that "thirty days prior to the first Monday in July, one thousand eight hundred and fifty-five, and thirty days prior to the first Monday of July in each year thereafter, until the principal and interest of the debt hereby created shall be paid, the Treasurer of State shall publish in two newspapers in the city of San Francisco, a notice specifying the amount of money on hand, and set apart for the redemption of said bonds, and that he will receive proposals for the redemption of that amount of bonds until the first Monday of July next after the date of the publication of such notice.

The State Prison Act, therefore, not only provided for the payment of the accruing interest and ultimate redemption of the bonds, but also directs the *time* and manner of payment.

From these facts it is clearly evident that the Legislature did not intend by the provision in the Act of May 18, 1853, to authorize the reception of State Prison Bonds in payment for the property directed to be sold.

Another difficulty in the reception of these bonds presents itself. The 8th section of the Act of 1853, authorizing the erection of a State Prison provides, "that the payment to the contractor shall be made monthly; and for the purpose of ascertaining the amount due at the end of each month, it is herein made the duty of said Board of Commissioners, to ascertain and certify the same to the Comptroller of State, who shall thereupon issue his warrants on the Treasurer of State, in the sum thus certified, payable out of the bonds herein provided for; *Provided*, that the sums so paid shall not exceed *eighty-five per cent.* on the amount actually expended, as certified by the Board of Commissioners, until the *completion of the prison* provided to be erected by this Act, unless otherwise ordered by Legislative enactment.

Fifteen per cent. or \$18,900 00 of the amount actually expended, the above proviso requires to be reserved.

This proviso, however, seems to have been overlooked in the issuance of bonds for the work executed, and although the building has not as yet been completed, \$126,000 00 of the entire amount has already been paid, without any reservation

as above directed. Of these bonds, \$18,900 00, or the fifteen per cent. have been, or may be hereafter, received into the State Treasury.

Should the building, when completed, not be received by the Commissioners for non-compliance with the contract, the validity of these bonds, would at once be questioned, and their market value greatly depreciated.

Having conferred with the present State Treasurer, when the question was first raised as to the reception of these bonds, and expressed the opinion that they could not be legally received in payment for the property of the State sold by the Commissioners, I have deemed it a duty to set forth fully my views on the subject.

JOHN BIGLER.

Mr. Whitman moved to lay the message and accompanying documents on the table.

Not agreed to.

On motion of Mr. Hoff the message and accompanying documents were referred to the committee on Ways and Means.

Mr. Bostwick made the following report:

The Committee on Accounts and Expenditures, to whom was referred Assembly Bill for an Act concerning the per diem of officers of the Assembly. Also the report of the Joint Committee appointed to report upon the per diem of the officers of the Senate and Assembly beg leave to report—

That although they do not fully concur with the Joint Committee as to the justice of the rates agreed upon, they have engrafted them in the form of an amendment to the Assembly bill, and report the same back to the House as amended, and recommend its passage.

The bill was read, the amendments concurred in, considered as engrossed, read a third time and passed.

Mr. Herbert introduced a bill for an Act requiring the Comptroller to audit certain bills of the members of the present Legislature.

Read first time and ordered to a second reading to-morrow.

Mr. Herbert also introduced a bill for an Act in relation to the supplies of fuel and other contingent expenses of the Legislature.

Read first and second time and referred to Committee of Ways and Means.

Mr. Gordon introduced a bill for an Act to reduce the salaries of State officers and the pay of the members of the Legislature.

Read first time and ordered to a second reading on to-morrow.

On motion, the House adjourned until Monday next at 10 o'clock.

## HOUSE OF ASSEMBLY.

MONDAY, January 16, 1854.

House met pursuant to adjournment.

The roll was called by the Clerk, and no quorum being present,

On motion, the House adjourned until 10 o'clock to-morrow.

## HOUSE OF ASSEMBLY.

TUESDAY, January 17, 1854.

House met pursuant to adjournment.

The roll was called by the Clerk, and a quorum being present, the Speaker announced the House ready to proceed to business.

The Journals of Saturday and Monday were read and approved.

On motion, leave of absence was granted for two days to Mr. Bostwick, and one day to Mr. Van Cleft. Indefinite leave was granted to Mr. Hoyt in consequence of ill health.

Mr. Horr presented the petition from sundry citizens of the counties of Mariposa and Tuolumne in reference to a new county to be called Merced, to be formed of portions of territory of those counties.

Read and referred to Committee on Counties and County Boundaries.

Mr. Gordon presented a petition from the counties of El Dorado and Calaveras, praying for the establishment of a new county to be formed out of portions of the territory of El Dorado and Calaveras.

Read and referred to the delegation from those counties.

Mr. Herbert, chairman, made the following report :

The Committee of Ways and Means, to whom was referred a bill in relation to the supplies of fuel and other contingent expenses of the Legislature, would report the same back without amendment, and recommend its passage.

The bill was considered as engrossed, read a third time and passed.

Mr. Griffith introduced a Join Resolution relative to the Board of United States and Commissioners in the State of California.

Read a first time and ordered to a second reading on to-morrow.

Mr. O'Neil made the following report :

The Committee on Engrossment have examined and find correctly engrossed the following Joint Resolutions and bills, viz :

Joint Resolution in favor of an increase of the Mail Service between New York and San Francisco, and between New Orleans and San Francisco, and also between San Francisco and Olympia, in the Territory of Washington, including the intermediate ports of Humboldt Bay, Trinidad, Crescent City and the mouth of Columbia River.

Also, an Act in relation to the Insane Fund.

Also, an Act to abolish the Board of Supervisors in the county of Tulare.

Also, an Act for the relief of the Treasurer of Klamath county.

Also, an Act concerning the per diem of officers of the Senate and Assembly.

And also, an Act to repeal an Act entitled an Act to provide for the Inspection

of Flour, passed May 3, 1852, and to repeal an Act amendatory of an Act entitled

an Act to provide for the Inspection of Flour, passed May 18, 1853.

Mr. Hubert offered the following resolution :

*Resolved*, That the Sergeant-at-Arms be authorized to furnish one dozen chairs, table, and other necessary articles for the use of the Judiciary Committee.

Not agreed to.

Mr. Herbert offered the following :

*Resolved*, That the Committee of Ways and Means be and are hereby authorized to employ a Clerk.

Mr. Griffith offered the following as a substitute :

*Resolved*, That the Committee on Ways and Means be, and they hereby are authorized to call upon the Enrolling Clerk for any and all clerical aid they may need in the discharge of their duties.

Not agreed to.

Mr. Bradford offered the following as a substitute to the resolution offered by Mr. Herbert:

*Resolved*, That the enrolling, engrossing and other clerks employed, (when not otherwise engaged) do any writing that the chairmen of the different committees may require, and that the Chairman of the Committees on the Judiciary and Ways and Means have precedence of others.

Upon which the yeas and nays were demanded.



Those who voted for the substitute, were :

Messrs. Ashley, Bagley, Ballou, Bennett, Bradford, Briggs, Burton, Carr, Carrillo, Clingan, Conness, Cornwall, Davidson, Dawley, Fairfield, Godard, Gordon, Griffith, Hastings, Hollister, Hubbard, Hubert, Hunt, Hunter, Jones, Kellogg, Kell, Letcher, Lindsey, Mandeville, Musser, McBrayer, McDonald, Noel, F. A. Park, Pratt, Spencer, Springer, Stemmons, Stevenson, Sweasey, Tallmadge, Tivy, Warmcastle, Watkins, and Whitman—46.

Those who voted against the substitute, were :

Messrs. Anderson, Aylett, Bowie, Dannels, Ewer, French, Green, Hagans, Henry, Herbert, Horr, Houghtaling, Irwin, James, McDuffie, McGee, McKinney, Myres, Nichols, O'Neil, J. W. Park, Purdy, Ring, Stowe, Sweetland, and Whitman—26.

So the substitute was adopted.

Mr. Bradford moved to reconsider the vote which refused to adopt a resolution offered by Mr. Hubert in reference to furniture for Judiciary Committee.

Vote reconsidered and resolution adopted.

Mr. Bennett gave notice that he would, at some future day introduce a bill to appropriate the poll tax of this State, collected for State purposes, to the building of bridges and the improvement of roads.

Mr. Hastings offered the following, which was adopted.

*Resolved*, That the Sergeant-at-Arms be instructed to return seven hundred and fifty copies of the Governor's Inaugural Address, to the Senate, out of the one thousand copies ordered printed by the Assembly, and that the remaining two hundred and fifty be retained for the use of the House.

On motion of Mr. Sweasey, the bill referred to the Judiciary Committee for donating certain lands by the State of California to the United States, was withdrawn from the Judiciary and referred to the Committee on Public Lands.

Assembly bill No. 26, an Act to reduce the salaries of State officers and the pay of Members of the Legislature.

Read second time and referred to Committee on Public Expenditures, and 240 copies ordered to be printed.

Assembly bill No. 24, an Act requiring the Comptroller to audit certain bills of the members of the present Legislature.

Read second time and referred to Committee on Public Expenditures.

Assembly Joint Resolutions, relative to the establishment of a State Agricultural Institute.

Read second time and referred to Committee on Agriculture.

The following message was received from the Governor :

I have the honor herewith to transmit a copy of the report of G. W. Ryckman Flour Inspector of the port of San Francisco.

JOHN BIGLER.

Report, on motion, laid upon the table.

The following message was received from the Governor :

I have the honor herewith to transmit a copy of a communication from the Board of California Land Commissioners, in relation to the present actual value of certain property in San Francisco, known as the Custom House Block.

The Commissioners, it will be seen, estimate the value of the property on which the General Government desire to erect a Custom House, in the city of San Francisco, at five hundred thousand dollars.

It is proper here to state that the estimate is deemed by many well informed citizens, as very reasonable, and that the property at any time would command a greater amount in cash at public sale.

Five hundred thousand dollars is certainly a large amount to be at this time diverted from the means relied upon to liquidate the debt of the State, and relieve her people from burthensome taxation, and I therefore hope that the State's interest in this valuable property will not be released by her agents until it can be done without prejudice to the credit of California and the welfare of her people.

In view also of the fact that this property, by solemn acts of legislation stands pledged for existing State indebtedness, it is at least questionable whether, in justice to the creditors of the State, it can be donated to the General Government until the debt, for which it has been pledged, shall have been paid.

A large amount of the existing debt, as is well known, was incurred by the State in defending her people, in the years 1850 and 1851, against hostile Indians, the annual interest upon which now amounts to the sum of \$67,495 69.

This debt, principal and interest, it is maintained, should in justice to California, be assumed in some form during the present session of Congress.

The assumption of the war debt and the restoration of the "civil fund," would, it is believed, place the finances of the State in a condition to justify the donation of this property to the General Government, and still preserve inviolate the pledged faith of the State.

But should Congress fail or refuse to sanction the just claims of the State, the citizens of California, although anxious in this matter to favor the General Government and facilitate the erection of public buildings, will be compelled to carefully husband and judiciously apply all her resources until her entire indebtedness shall have been paid.

It is true that other States of the Confederacy have unconditionally released to the General Government their title to property for similar purposes, but there is no evidence that the property so released, as in this case, was of greater value, or that circumstances existed imperatively requiring the State to guard carefully all the sources of revenue, and to apply the proceeds in payment of liabilities previously incurred.

The history and condition of California are indeed peculiar. Her exigencies have hitherto been without parallel, and in legislating for her wants, it is therefore clear that we cannot be guided in all cases by precedents established in the common course of events in the other States of the Confederacy.

It is deemed proper in this connection to state that the correspondence from the Secretary of the Treasury, in regard to the property in question, addressed to the Executive, as stated in a communication presented to the Senate on the 13th inst., has never been received by me.

JOHN BIGLER.

The following is the communication referred to by the Governor :

SAN FRANCISCO, January 7, 1854.

His Excellency JOHN BIGLER :

SIR :

In reply to your letter of the 5th inst., in which you ask the Commissioners for the sale of State property in this city, to forward you an estimate of the value of that portion of the Government Reserve known as the "Custom House Block," we would say that we have had the same under consideration, and unanimously coincide in the opinion that it is worth *five hundred thousand dollars*.

Respectfully Yours,

LEVI HERMAN,CE,  
J. S. LOVE,  
GEORGE O'DOHERTY,  
JOSEPH HOPKINS,  
L. PICKERING.

WM. P. DANGERFIELD,

Secretary California Land Commissioners.

Mr. Carrillo gave notice that he would at an early day introduce a bill to reduce the salary of the Judge of the Second District, and to increase the salary of the County Judge of the county of Santa Barbara.

Mr. Hagans introduced a bill for an Act allowing pay to the Inspectors, Judge and Clerks of elections.

Read first time and ordered to a second reading on to-morrow.

Mr. Horr introduced a bill for an Act, entitled an Act to create the county Merced.

Read first time and ordered to a second reading on to-morrow.

Mr. Warmcastle introduced a bill for an Act concerning County Judges.

Read first time and ordered to a second reading on to-morrow.

Mr. O'Neil introduced a bill for an Act to suppress gambling.

Read first time and 240 copies ordered printed.

Mr. Ewer introduced a bill for an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of Justice of this State, passed April 29, 1851.

Read first time, and 240 copies ordered to be printed.

Mr. Spencer introduced a bill for an Act to define the duties of County Clerk passed April 18, 1850.

Read first time and 240 copies ordered to be printed.

Mr. Tivy introduced a bill for an Act to fix the compensation of the County Judge of Tulare county.

Read first time and two hundred and forty copies ordered to be printed.

Mr. Bradford introduced a bill for an Act to protect the rights of persons, not parties, to executions and other process.

Read first time and two hundred and forty copies ordered to be printed.

Mr. Godard introduced a bill for an Act to create a Board of Supervisors in all the several counties of this State, and to define their duties and powers.

Read first time and ordered to a second reading on to-morrow.

Mr. Bradford gave notice that on to-morrow he would move to amend so much of the standing rule of this House, as requires all bills to be read the first time by sections, for information.

On motion of Mr. Herbert, the House adjourned until 10 o'clock to morrow.

## HOUSE OF ASSEMBLY.

WEDNESDAY, January 18, 1854.

House met pursuant to adjournment.

The roll was called by the Clerk, and a quorum being present, the Speaker announced the House ready to proceed to business.

The Journal of Tuesday read and approved.

Mr. Hubbard presented a petition from sundry citizens of San Francisco praying a law granting them the right to erect a mill upon Mission Creek.

Read and referred to Committee on Corporations.

Mr. Davidson from the Committee on Accounts made the following report.

The undersigned, a majority of the Committee on Accounts and Expenditures, to whom was referred Assembly bill No. 24, entitled an Act requiring the Comptroller to audit certain bills of the members of the present Legislature, have had the same under consideration, and report the bill back to the House without amendment and recommend its passage.

The bill was considered in Committee of the Whole, reported back to the House without amendment, considered as engrossed, read a third time and passed.

Mr. Conness offered the following which was adopted.

*Resolved*, That so much of the Governor's Annual Message as relates to the Civil Debt, be referred to the Committee on Ways and Means; and that portion relating to an Extension of the Water Front of San Francisco, be referred to the Committee on Commerce and Navigation.

And that so much as relates to the Public Lands, be referred to the Committee on Public Lands;

And that so much as relates to Amendments to the Constitution and Fees in Office, be referred to the Judiciary Committee;

And that so much as has reference to a reduction of the Public Expenditures, be referred to the Committee on Expenditures and Accounts:



And that portion relative to Common Schools to the Committee on Education ;  
 And so much as relates to Public Printing, to the Committee on Printing ;  
 And that part relating to Hospitals, to the Committee on State Hospitals.

Mr. McKinney gave notice that he would, at some future day, introduce a bill in relation to evidence.

Said bill will be introduced as soon as he can procure the Statutes of California in order that he may know what is or is not repealing in said Statutes.

Mr. Hagans gave notice that at some future day, he would introduce a bill for an Act to allow pay to reviewers of Public Roads and Highways, and also Supervisors of Road Districts.

Mr. Van Cleft gave notice that he would on to-morrow, introduce a bill to suppress Public Gambling.

Mr. Jones offered the following, which on motion, was laid upon the table.

*Resolved*, That the Speaker be authorized to appoint upon any Committee of this House any member in the place of any one who fails to attend to the duties as member of any Committee for two consecutive days on which said Committee may appoint to meet, unless said person first gets leave of absence from said Committee.

Mr. Sweasey gave notice that he would, at an early day, introduce a bill for the protection of Settlers on Lands claimed by inchoate Spanish or Mexican grants.

Mr. Aylett gave notice that he would, at an early day, introduce a bill to amend Section First of Article Second of an Act to provide Revenue for the support of the Government of this State.

Mr. Tivy gave notice that he would, at an early day, introduce a bill for an Act to provide for holding Terms of the District Court in the county of Tulare.

Mr. J. W. Park gave notice, that at some future day, he would introduce a bill to better regulate an Act concerning the Salaries of State Officers, and the per diem of Members of the Legislature.

Mr. Ewer gave notice that he would, at an early day, introduce a bill to prevent the use of intoxicating drinks in the public prisons of this State, unless prescribed by a physician.

Mr. Letcher gave notice that he would, at an early day, introduce a bill for the relief of Walter Van Dyke.

Mr. Green introduced a Joint Resolution in relation to Lower California, and the parties of Americans who are engaged in conquering that country.

Read first time and ordered to a second reading on to-morrow.

Mr. Warmcastle gave notice that at an early day he would introduce a bill to regulate fees of office.

Assembly bill No. 35, "An Act to create a Board of Supervisors in and for the several counties of this State, and to define their duties and powers,"

Read second time, and referred to Judiciary Committee.

Assembly bill No. 30, an Act concerning County Judges,

Read second time, and referred to the Judiciary Committee.

Assembly bill No. 36, an Act entitled "An Act to create the county of Merced."

Read second time, and referred to Committee on Counties and County Boundaries.

Assembly Joint Resolution No. 28, relative to the Board of Land Commissioners in the State of California,

Read second time, and referred to Committee on Public Lands.

Assembly bill No. 27, an Act allowing pay to the Inspectors, Judges and Clerks of Elections,

Read second time, and referred to Committee on Elections.

On motion of Mr. Conness, the certificates of the members of the present Legislature were referred to the Committee on Elections.

On motion of Mr. Bradford, the bill to fix the pay of the Governor's Private Secretary, was taken from the table.

Mr. Gordon withdrew the motion to indefinitely postpone the above bill,

The House resolved itself into Committee of the Whole, Mr. Irwin in the chair, to consider the bill to fix the pay of the Governor's Private Secretary.

The committee, on motion, rose, reported the bill back without amendment, and were discharged from the further consideration of the same.

On motion, the bill was referred to the Committee on Public Expenditures.

Mr. Stemmons offered the following :

*Resolved*, That this House will proceed on Tuesday next to elect a Chaplain.

Which, on motion, was laid on the table.

Mr. Godard moved to adjourn.

Not agreed to.

Mr. Stevenson introduced a bill for " An Act amendatory of an Act to regulate fees in office, passed May 1, 1851."

Read first time, and ordered to a second reading on to-morrow.

On motion, the House adjourned until 10 o'clock to-morrow.

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## HOUSE OF ASSEMBLY.

THURSDAY, January 19, 1854.

House met pursuant to adjournment.

The roll was called by the Clerk, and a quorum being present, the Speaker announced the House ready to proceed to business.

The Journal of Wednesday read and approved.

Mr. Conness presented a number of affidavits from citizens in El Dorado county, in the case of the pardon of Timothy Donovan, which, on motion, was referred to Judiciary Committee.

Mr. Stemmons made the following report :

The committee to whom was referred the resolution relative to the establishment of a State Agricultural Institute, have had the same under consideration, report it back to the House without amendment, and recommend its passage.

The resolution was read, considered, engrossed, read a third time and passed.

Mr. Bradford made the following report :

The Committee on Public Lands have had under consideration Assembly joint resolutions relative to the Board of U. S. Land Commission, in the State of California, and have instructed me to report the same back without amendment and recommend their passage.

The resolutions were then read, and a motion was made by Mr. Hubert to indefinitely postpone the same,

Upon which Mr. Conness and others demanded the yeas and nays

Those who voted to postpone indefinitely were—

Messrs. Ashley, Aylett, Bennett, Briggs, Carr, Carrillo, Clingan, Dawley, Ewer, Fairfield, French, Godard, Green, Henry, Herbert, Hoff, Hollister, Hubert, Hunt, Hunter, Irwin, Jones, Kellogg, Letcher, McBrayer, McDuffie, McGee, McKinney, Nichols, Noel, Ring, Rowan, Spencer, Stevenson, Stowe, Sweetland, Warmcastle and Watkins—38.

Those who voted against postponement were :

Messrs. Anderson, Ballou, Bostwick, Bowie, Bradford, Burton, Conness, Cornwall, Dannels, Davidson, Gordon, Griffith, Hagans, Hastings, Horr, Houghtaling, Hubbard, James, Koll, Lindsey, Mandeville, Musser, Myres, McDonald, O'Neil, F. A. Park, J. W. Park, Pratt, Purdy, Springer, Stemmons, Sweasey, Tallmadge, Tivy, Van Cleft and Whitman—36.

So the resolution was indefinitely postponed.

Mr. Conness gave notice that he would move on to-morrow to reconsider the vote which indefinitely postponed the above Joint Resolution.

Mr. Myres made the following report :

MR. SPEAKER :

The Judiciary Committee report that they have had under consideration Senate bill for an Act to amend an Act entitled an Act concerning Jurors, approved May 3, 1852.

An Act to repeal an Act to provide for the better publication of Official and Legal Notices, approved May 3, 1853; and Recommend their passage without amendment.

They also recommend that the bill for an Act to provide for the restoration of certain books, records, maps and papers to Humboldt county now held by Trinity county, be referred to the delegation from those counties.

And they also recommend the passage of an Act to amend an Act concerning



sheriffs, passed April 29, 1851, with the following amendments, to wit: add after the word "sheriff," in the last line of the bill, the words "not excepted by law."

Your committee have also under consideration a bill for an Act to repeal an Act entitled an Act to amend the fourteenth section of an Act entitled an Act concerning the office of County Treasurer, passed March 27, 1850, approved May 11, 1853;

And an Act to legalize certain official acts of the County Judge of Klamath county, and recommend the passage of the following substitutes respectively for said bills.

The substitute of Assembly bill No. 12, on Act to repeal an Act to amend the fourteenth section of an Act entitled an Act concerning the office of County Treasurer, passed March 27, 1850, approved May 17, 1853, and to renew said fourteenth section.

On its third reading, an motion, 240 copies were ordered to be printed.

Assembly bill No. 1, an Act to legalize certain official acts of the County Judge of Klamath county, to which the committee reported a substitute.

The bill and substitute, upon motion, were laid upon the table.

Assembly bill No. 7, an Act to provide for the restoration of certain books, records, maps, and papers to Humboldt county now held by Trinity county.

In accordance to recommendation of Judiciary Committee, was referred to the delegation from Trinity and Humboldt Counties.

Assembly bill No. 13, an Act to amend an Act concerning Sheriffs, passed April 29, 1851, amended by the Judiciary Committee.

Amendment concurred in by the House, the bill considered as engrossed, read a third time and passed.

Mr. McBrayer gave notice that he would move on to-morrow a reconsideration of the vote which indefinitely postponed the Joint Resolution in relation to the Land Commission in California.

Senate bill No. 2, an Act to amend an Act entitled an Act concerning Jurors, approved May 3, 1852.

Read a third time and passed.

Assembly bill, an Act to repeal an Act to provide for the better publication of Official and Legal Notices, approved May 3, 1853.

Amended, considered as engrossed, read a third time and passed.

Mr. O'Neil made the following report:

The Committee on Engrossment have examined and find correctly engrossed, an Act requiring the Comptroller to audit certain bills of the members of the present Legislature.

Mr. Green, from the Joint Committee appointed to examine into the fulfillment of the contract entered into by an Act of the Legislature relative to the compilation and codification of the Laws of the State, reported—

The Act which authorizes the work provides in its fifth section that the whole number of volumes mentioned in the sixth section shall be delivered to the Secretary of State within six months from the adjournment of the last Legislature.

The Committee reported that only twenty-five copies had been delivered to the Secretary of State up to this time, hence the contract has not been complied with. They examined and found a want of classification. Time had not been allowed them to examine the work sufficiently to report upon its true merits, and they ask to be discharged from the further consideration of the subject.

On motion, the report was laid upon the table.



A communication was received from the Secretary of State, informing the House that six hundred copies of the laws authorized by the last Legislature to be codified had been tendered him by Mr. F. A. Snyder.

Communication read, and on motion laid upon the table.

Mr. Stowe offered a concurrent resolution appointing a select committee of three from each House to examine and report upon the contract in reference to the codifying of the laws of this State.

Which was adopted.

And Messrs. Stowe, Ashley and Tallmadge were appointed said committee, with instructions to report on to-morrow.

On motion, two days leave of absence was granted to Mr. French, four days to Mr. Whipple, and one day to the Sergeant-at-Arms.

The following Message was received from the Senate :

I am instructed to inform the Assembly that on Tuesday the Senate concurred in Assembly resolution directing the Attorney-General to prepare and present to the Legislature an opinion as to the legality of the present practice of locating School Land Warrants, and also present the accompanying resolution, in which the concurrence of the Assembly is respectfully asked.

JOHN Y. LIND,  
Secretary.

KENDALL AND MAHONY,  
Committee Senate.

Senate concurrent resolution, on motion of Mr. Watkins, was amended by adding one more member to the Committee from the Assembly, and concurred in.

Messrs. Spencer, Irwin and Horr, were appointed on the part of the House.

Mr. Whitman gave notice that he would, at an early day, introduce a bill to better define the rights of parties litigant, claimants and possessors of real estate, to be entitled—A Betterment Act.

Also, an Act to amend an act entitled an Act to provide a lien for Mechanics.

On motion, Messrs. Bradford and Carr were added to Committee on Indian Affairs.

Mr. Sweetland gave notice that he would at an early day introduce a bill supplementary to an Act entitled an Act defining the time of commencing civil actions in certain cases.

Mr. Spencer gave notice that at an early day he would introduce a bill authorizing A. H. Murdock and others to build a wharf at Uniontown, Humboldt county.

Mr. Koll gave notice that he would at an early day introduce a bill for an Act amendatory of an Act to provide for the protection of foreigners, and to define their liabilities and privileges.

Mr. Hastings gave notice that he would at an early day introduce a bill for the location of a State road from Benicia to Marysville.

Mr. Stevenson gave notice that he would at an early day introduce a bill for an Act to prohibit Indians from carrying fire arms or munitions of war in El Dorado county.

Mr. Horr gave notice that at an early day he would introduce a bill to be entitled an Act concerning estray animals.

Mr. Bradford offered the following :

*Resolved*, That the Committee on the Judiciary and the Committee of Ways and Means, be each allowed a Clerk, provided that said Clerk, when not otherwise em-

oyed, shall do any writing that the Chairmen of the different Committees of this house may require, and that no other Clerks shall be allowed the standing committees at this session.

Upon the passage of which, Mr. Conness and other members demanded the yeas and nays.

Those who voted for the passage of the resolution, were

Messrs. Ashley, Aylett, Bagley, Bennett, Bowie, Bradford, Briggs, Carr, Carril-  
ling, Clingan, Cornwall, Davidson, Dawley, Ewer, Fairfield, French, Godard, Gordon,  
reene, Henry, Herbert, Hoff, Horr, Houghtaling, Hoyt, Hubbard, Hubert, Hunt,  
win, Koll, Musser, Myres, McDuffie, Nichols, Noel, J. W. Park, Pratt, Purdy,  
owan, Spencer, Stemmons, Stowe, Sweetland, Tallmadge, Tivy, Warmcastle,  
Whitman—47.

Those who opposed the resolution, were

Messrs. Anderson, Ballou, Bostwick, Burton, Conness, Dannels, Griffith, Hagans,  
astings, Hollister Hunter, James, Jones, Kellogg, Letcher, Lindsey, Mandeville,  
McBrayer, McDonald, McGee, McKinney, F. A. Park, Ring, Springer, Stevenson,  
weasey, Van Cleft, Watkins—28.

It requiring, by the rules of the House, a two-thirds' vote to appoint Committee Clerks, the resolution was lost.

Mr. Herbert moved a reconsideration of the vote just taken.

The vote was reconsidered, and on motion the resolution laid upon the table.

Mr. Springer introduced a joint resolution in relation to removing to Sacramento.

Read first time and ordered to a second reading on to-morrow.

On motion, Mr. Irwin was added to the Hospital Committee.

Mr. Herbert gave notice that he would on to-morrow move to amend the rule of the House in relation to the appointment of Committee Clerks.

Assembly bill No. 37, an Act amendatory of an Act to regulate fees in office, passed May 1, 1851.

Read second time and referred to Judiciary Committee.

Mr. Aylett asked to be excused from serving on the Joint Committee to examine the State and Insane Hospitals.

He was excused, and,

On motion, Mr. Irwin was appointed in his place.

Assembly Joint Resolution No. 38, in relation to the recent occupation of Lower California by American citizens,

On its second reading, on motion, was laid upon the table.

Mr. Myres introduced the following bills:

An Act to amend an Act concerning crimes and punishment, passed April 16, 1851.

Read first time and ordered to a second reading on to-morrow.

An Act to repeal sections one and two of an Act to amend an Act entitled an Act concerning crimes and punishments, passed April 22, 1851.

Read first time and ordered to a second reading on to-morrow.

Mr. Ewer introduced a bill for an Act in relation to State Prisons.

Read first time and ordered to a second reading on to-morrow.

Mr. Letcher introduced a bill for an Act for the relief of Walter Van Dyke.

Read first time and ordered to a second reading on to-morrow.

Mr. Aylett introduced a bill for an Act to amend an Act to provide revenue for the support of the Government of this State.

Read first time and ordered to a second reading on to-morrow.

Mr. Dawley introduced a bill for an Act to repeal an Act entitled an Act to provide for the measurement of lumber, approved April 30, 1853.

Read first time and ordered to a second reading on to-morrow.

On motion of Mr. Dannels, the House adjourned until 10 o'clock to-morrow.

## HOUSE OF ASSEMBLY.

FRIDAY, Jan, 20, 1854.

House met pursuant to adjournment.

The roll was called by the Clerk, and a quorum being present, the Speaker announced the House ready to proceed to business.

On motion leave of absence was granted to Mr. O'Neil until Monday.

Mr. Ewer made the following report :

The Journal of Thursday read, amended and approved.

The Committee on Elections to whom was referred the certificates of election have had the same under consideration, and also an Act allowing pay to Judge Inspectors of Elections, and ask leave to make the following report :

Your committee report adversely to the passage of the bill establishing the pay of Judges, Inspectors and Clerks of Elections, and would recommend that the subject be left in the hands of the Court of Sessions or the Board of Supervisors where it now is.

Your committee have examined the certificates of election, and find that the following gentlemen have regularly authenticated credentials, and in the opinion of your committee, are entitled to seats in this House as Members of Assembly :

John Musser,  
M. W. Gordon,  
P. H. French,  
F. M. Warmcastle,

John W. Park,  
T. R. Davidson,  
S. G. Whipple,  
Freeman S. McKenney

Thomas A. Gilbert,  
 James Y. McDuffie,  
 Richard Irwin,  
 Joseph S. Watkins,  
 E. A. Stephenson,  
 John Stemmons,  
 John A. Ring,  
 Pedro C. Carrillo,  
 B. L. Fairfield,  
 Wm. L. Letcher,  
 James T. Hoyt,  
 H. B. Godard,  
 M. Spencer,  
 Wm. W. Stowe,  
 Francis Anderson,  
 J. C. Hubbard,  
 C. E. Carr,  
 Edward F. Burton,  
 John M. McBrayer,  
 N. Hubert,  
 Martin Rowan,  
 B. F. Myres,  
 E. O. F. Hastings,  
 John C. Henry,  
 J. W. Mandeville,  
 J. A. Tivy,  
 H. P. Sweetland,  
 B. D. Horr,  
 John J. Hoff,  
 Charles W. Dannels,  
 Edward Hunter,  
 James N. Bennett,  
 F. A. Park,

John H. Bostwick  
 A. C. Bradford,  
 W. C. Pratt,  
 Wm. H. Lindsey,  
 A. A. Green,  
 A. J. Houghtaling,  
 J. N. Dawley,  
 Charles S. Fairfax,  
 Humphrey Griffith,  
 F. W. Koll,  
 J. C. James,  
 W. B. Hagans,  
 Henry B. Kellogg,  
 Charles L. Noel,  
 David Clingan,  
 John B. McGee,  
 S. A. Ballou,  
 E. C. Springer,  
 Geo. N. Cornwall,  
 James O'Neil,  
 G. H. Van Cleft,  
 D. R. Ashley,  
 B. C. Whitman,  
 George McDonald,  
 John Conness,  
 Seneca Ewer,  
 Jefferson Hunt,  
 H. Hollister,  
 Geo. W. Bowie,  
 A. Briggs,  
 E. B. Purdy,  
 Wm. J. Sweasey,

SENECA EWER,  
 JAMES Y. McDUFFIE,  
 WM. C. PRATT,  
 PEDRO C. CARRILLO,  
 ELIJAH NICHOLS.

Assembly bill No. 37 taken up for consideration, and  
 Lost by a vote of the House.

Mr. Irwin made the following report :

The Committee on Federal Relations, to whom was referred Assembly joint resolutions No. 8, in reference to postal arrangements in this State, have had the same under consideration, and report the same back without amendment, and recommend their adoption.

The resolutions read considered as engrossed, read a third time and passed.

Mr. Musser made the following report :



Your committee to whom was referred the bill entitled "An Act to provide for the restoration of certain books, records, papers, and maps, to Humboldt county now held by Trinity county" respectfully report,

That they have had the same under consideration, and have amended the same by two additional sections, and recommend its passage.

The amendment of the committee concurred in, and the bill ordered to be engrossed for a third reading.

The following message was received from the Senate :

I am instructed to inform the Assembly, that on yesterday the Senate passed Assembly bill for "An Act to abolish the Board of Supervisors in the county of Tulare," which is herewith transmitted.

JOHN Y. LIND,  
Secretary.

Mr. McBrayer, according to previous notice, moved to reconsider the vote of yesterday, which indefinitely postponed joint resolution in relation to the United States Land Commissioners in California.

Vote reconsidered.

Mr. Griffith moved to lay the resolution on the table.

Agreed to.

Mr. Bradford moved to print 240 copies of the resolution.

Not agreed to.

Mr. Mandeville moved to take the resolution from the table.

Agreed to.

On motion the resolution was referred to a select committee of seven.

Messrs. Bradford Watkins, Hoyt, F. A. Park, Warmcastle, Hunt, and Sweasey were appointed.

On motion of Mr. Herbert, the resolution in relation to the appointment of committee clerks was taken from the table.

Mr. McBrayer offered the following as a substitute, which was adopted :

*Resolved*, That the Chief Clerk of the Assembly be authorized to appoint a sufficient number of clerks to perform all the clerical business of the House during its session.

Assembly bill No. 42, for "An Act for the Relief of Walter Van Dyke,"

Read second time, and referred to Committee on Claims.

Assembly bill No. 43, "An Act to amend an Act entitled An Act to provide Revenue for the support of the Government of this State,"

Read second time, and referred to Committee on Ways and Means.

Assembly bill No. 41, "An Act in relation to State Prisons,"

Read second time, and referred to Committee on State Prisons.

Assembly bill, "An Act concerning Crimes and Punishments, passed April 16, 1850,"

Read second time, and referred to Judiciary Committee.

Assembly bill No. 44, "An Act to repeal an Act entitled An Act to provide for the Measurement of Lumber, approved April 30, 1853,"

Read second time, and referred to Committee on Commerce.

Assembly bill for "An Act to repeal sections one and two of an Act to amend an Act entitled An Act concerning Crimes and Punishments, passed April 22, 1851,"

Read a second time, and referred to Judiciary Committee.  
 Mr. Bradford introduced a joint resolution in relation to the removal of the  
 peck of the ship Aberdeen.  
 Read a first time and ordered to a second reading on to-morrow.  
 Assembly joint resolution in relation to removal to Sacramento,  
 Read a second time.  
 Mr. Bowie moved to indefinitely postpone the resolution.  
 Mr. Bradford moved to lay the motion to indefinitely postpone upon the table.  
 Agreed to.  
 Mr. James moved that the House take a recess until 4 o'clock.  
 Not agreed to.

The following message was received from the Senate :

I am instructed to inform the Assembly, that the Senate have this day passed As-  
 sembly bill for "an Act in relation to the Insane Fund;"  
 Also, an Act of the Assembly concerning the per diem of officers of the Senate  
 and Assembly, with accompanying amendments, in which their concurrence is re-  
 spectfully asked.  
 The Senate has also passed "an Act to repeal an Act entitled an Act to provide  
 for the Inspection of Flour, passed May 3, 1852; and to repeal an Act amendatory  
 of an Act entitled an Act to provide for the Inspection of Flour, passed May 18th,  
 1853.

JOHN Y. LIND,  
 Secretary.

On motion of Mr. Bostwick, the House refused to concur in the Senate amend-  
 ments to Assembly bill fixing the pay of the officers of the Senate and Assembly.  
 On motion, the House adjourned until 10 o'clock to-morrow.

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## HOUSE OF ASSEMBLY.

SATURDAY, January 21, 1854.

House met pursuant to adjournment.

The roll was called by the Clerk, and a quorum being present,

The Speaker announced the House ready to proceed to business.

The Journal of Friday was read and approved.

Mr. Swasey presented a petition from sundry citizens of the city of San Francis-  
 co, asking the Legislature to increase the jurisdiction of Justices of the Peace in the  
 city and county of San Francisco.

Read, and on motion, referred to the Judiciary Committee.

Mr. Myres, Chairman, made the following report :

The undersigned, a majority of the Judiciary Committee, beg leave to report that they have had under consideration a bill entitled an Act authorizing the Governor to pardon Timothy Donovan, and respectfully recommend its passage.

GORDON,  
JONES,  
ASHLEY,  
HUBERT,  
HOYT,

Assembly bill No 18, on its third reading.

Messrs. McBrayer, Irwin and Whitman, demanded the yeas and nays.

Those who voted for the passage of the bill, were

Messrs. Anderson, Bagley, Ballou, Bennett, Briggs, Carrillo, Clingan, Conness, Davidson, Ewer, Godard, Gordon, Green, Griffith, Hastings, Herbert, Hollister, Herr, Hoyt, Hubbard, Hubert, Hunt, James, Jones, Kellogg, Koll, Letcher, Mandeville, Musser, McDonald, McGee, Nichols, F. A. Park, J. W. Park, Pratt, Ring, Rowan, Spencer, Springer, Stemmons, Stevenson, Sweasey and Tallmadge—43.

Those who were opposed to the passage of the bill, were

Messrs. Bostwick, Bowie, Bradford, Carr, Cornwall, Dannels, Dawley, Fairfield, Hagans, Henry, Hoff, Houghtaling, Hunter, Irwin, Myres, McBrayer, McDuffie, McKinney, Noel, Purdy, Stowe, Sweetland, Tivy, Van Cleft, Warneastle, Watkins and Whitman—27.

So the bill was passed.

The following message was received from the Senate :

I am instructed to inform the Assembly that the Senate have refused to recede from their amendments to Assembly bill No. 11, for an Act concerning the *per diem* of officers of the Senate and Assembly, and have appointed a Committee of Conference, and ask that the Assembly appoint a similar Committee to confer upon the disagreement of the two Houses.

JOHN Y. LIND,  
Secretary.

On motion of Mr. Letcher, the House agreed to appoint a Committee of free conference upon the bill to fix the *per diem* pay of the Officers of the Senate and Assembly, and appointed Messrs. Letcher, Bostwick, and Herbert, said Committee.

Mr. Anderson, made the following report :

The Committee on Engrossment have examined and found correctly engrossed, an Act in relation to the supplies of fuel and other contingent expenses of the Legislature.

An Act to repeal an Act to provide for the better publication of official and legal notices, approved May 3, 1853.

An Act to amend an Act concerning Sheriffs, passed April 29, 1851.

Also, Joint Resolution relative to the establishment of a State Agricultural Institute.

Mr. Herbert, Chairman, made the following report :

The Committee of Ways and Means to whom was referred the Special Message of the Governor, with the correspondence of the State Treasurer and Attorney General in reference to the action of the late Treasurer, Hon. Richard Roman, for receiving "State Prison Bonds" in payment of property sold on the 28th day of December last, in San Francisco, by the State Land Commissioners," having had the same under consideration, and having given the said Message of the Governor, together with the correspondence of the State Treasurer and Attorney General, due attention, beg leave to submit the following report.

The first point at issue seems to be whether or not the State Prison Bonds are a part of the Public Debt. Governor Bigler argues that they are not, because they were issued subsequent to a series of Acts for Funding the State indebtedness, clearly defining, as he says, the character and extent of the Civil Debt. But your committee have failed to see the distinction between the State Prison Bonds issued under the Act of May 11, 1853, and the bonds of the Funded debt of the State. The provisions of the various Acts under which both are issued are precisely of the same character containing the same pledges and guaranties, and alike prescribing the manner of paying the interest, and the time of their ultimate redemption.

The issues raised by the present State Treasurer, are,

*First* : That the reception of these Bonds in the manner complained of, was an act of bad faith towards the bond holders of 1851.

*Second* : That the proceeds of the sale should have gone into the General Fund.

The first objection is met by the answer of the Attorney General to which we respectfully refer you, and in answer to the second, your committee are of opinion that the contribution to either the Sinking or General Fund from this source, would not have added very materially to their respective amounts, for if the State Prison Bonds had been refused, other Civil Bonds would have been used in payment of the property sold.

Your committee have therefore come to the conclusion, that the State Prison Bonds, having the same form and validity as the Bonds of the Funded Debt, stand precisely upon the same footing, and so long as the clause contained in the seventh section of the Act of May 18, 1853, providing for the sale of the State property remains in force, neither can, nor ought they to be refused in payment for property sold under this Act.

P. T. HERBERT, Chairman.

Mr Bostwick made the following report :

The Committee on Accounts and Expenditures, to whom was referred Assembly bill No. 19, for an Act to provide for the salary of the Governor's Private Secretary, and to make the same payable out of the General Fund,

Report that they have prepared a substitute, which they herewith submit in lieu of the original bill, and recommend its passage.

They have also considered with much care, Assembly bill No. 26, for an Act to reduce the salaries of State officers, and the pay of members of the Legislature ; that in view of the fact that the newly elected State officers have recently been installed into office, whose terms of office will not expire until after the close of the session ; that the various District and Supreme Judges of the State hold their positions for a series of years, and cannot be effected by any Act of the present Legislature ; that the pay of members of the Legislature is the only matter left for our



consideration, that comes immediately within the action of the present Legislature.

And your committee are of opinion that the *per diem* of members is only in accordance with the rates of living at the capital. Therefore your committee recommend that the bill *do not pass*.

All of which is respectfully submitted.

JNO. HENRY BOSTWICK, Chairman.

Substitute for Assembly bill No. 19, reported by the committee was taken up for consideration.

On motion of Mr. Bradford, the House resolved itself into Committee of the Whole, Mr. Bradford in the chair, to consider the substitute offered by the committee, fixing the pay of the clerks in the State Departments.

On motion, the committee rose, reported the bill back without amendment, and asked to be discharged from the further consideration of the same.

The committee was discharged.

Mr. Tallmadge moved to lay the bill on the table.

Not agreed to.

On motion, the bill was considered, engrossed, and read a third time.

Mr. Gordon moved to lay the bill on the table.

Not agreed to.

The bill then came up on its final passage, and Messrs. Stowe, Whitman and Gordon demanded the yeas and nays.

Those who voted for the passage of the bill, were—

Messrs. Anderson, Bagley, Ballou, Bostwick, Bradford, Conness, Dannels, Davidson, Dawley, Fairfield, Godard, Greene, Griffith, Hoff, Hollister, Hoyt, Hubbard, Hubert, Hunt, Koll, Mandeville, Musser, McBrayer, McDuffie, Nichols, F. A. Park, J. W. Park, Purdy, Ring, Spencer, Springer, Stemmons, Sweetland, Tallmadge, Tivy, Van Cleft and Watkins—37.

Those in the negative, were—

Messrs. Ashley, Bennett, Bowie, Briggs, Burton, Carr, Carrillo, Cornwall, Ewer, Gordon, Hagans, Hastings, Henry, Herbert, Horr, Houghtaling, Hunter, Irwin, James, Jones, Kellogg, Lindsey, Myres, McDonald, McGee, McKinney, Noel, Pratt, Rowan, Stevenson, Stowe, Sweasey and Whitman—33.

So the bill passed.

Assembly bill, No. 26, reported back from the Committee on Accounts and Expenditures, on its third reading,

On motion was laid, together with the report, upon the table.

The following message was received from the Senate :

I am instructed to inform the Assembly that the Senate have concurred with the Assembly amendment to Senate Resolution increasing the members of the committee appointed to visit the State Marine Hospital and the Insane Asylum, and have appointed on their part Mr. Hudspeth.

That the Senate this day passed a bill for an Act to provide a Contingent Fund for the Senate and Assembly, which is herewith transmitted.

The bill was not read.

JOHN Y. LIND, Secretary.

Mr. Anderson made the following report :

The Committee on Engrossed Bills have examined and find correctly engrossed, "An Act authorizing the Governor to Pardon Timothy Donovan."

Mr. Bradford offered a concurrent resolution authorizing the Secretary of State to receive the Codified Laws prepared by F. A. Snyder.

Mr. Dawley moved to lay the resolution on the table.

Not agreed to.

Mr. Herbert moved the indefinite postponement of the resolution.

Mr. Ashley demanded the previous question.

The motion was sustained.

The question was then taken to indefinitely postpone,

Upon which Messrs. Herbert, Whitman and others demanded the yeas and nays.

Those who voted to postpone were—

Messrs. Bowie, Dawley, Gordon, Henry, Herbert, Horr, Hoyt, Hubert, Irwin, Mandeville, McDuffie, McGee, McKinney, Noel, J. W. Park, Rowan, Stowe, Tivy, Van Cleft, and Whitman—20.

Those who voted against postponement were :

Messrs. Anderson, Ashley, Bagley, Ballou, Bennett, Bostwick, Bradford, Briggs, Burton, Carr, Carrillo, Clingan, Cornwall, Dannels, Davidson, Ewer, Fairfield, Godard, Green, Griffith, Hagans, Hastings, Hoff, Hollister, Houghtaling, Hubbard, Hunt, Hunter, James, Jones, Kellogg, Koll, Letcher, Lindsey, Musser, Myres, McBrayer, McDonald, Nichols, F. A. Park, Pratt, Purdy, Ring, Spencer, Springer, Stemmons, Stevenson, Sweasey, Sweetland, Tallmadge and Watkins—51.

So the House refused to indefinitely postpone.

Mr. Herbert objected to the yeas and nays being spread upon the Journal, on account of informality in the vote, but no action was taken thereon.

The resolution then came up upon its final passage, upon which Mr. Herbert and other members demanded the yeas and nays.

Those who voted for the resolution were—

Messrs. Anderson, Ashley, Bagley, Ballou, Bradford, Briggs, Carr, Carrillo, Clingan, Cornwall, Dannels, Davidson, Ewer, Fairfield, Godard, Green, Griffith, Hastings, Hoff, Hollister, Hubbard, Hunt, Hunter, James, Koll, Letcher, Musser, McDonald, McGee, Nichols, F. A. Park, Pratt, Purdy, Spencer, Springer, Stemmons, Stevenson, Sweetland, Tallmadge, and Watkins—40.

Those who opposed the resolution were—

Messrs. Bennett, Bostwick, Bowie, Burton, Dawley, Gordon, Hagans, Henry,

Herbert, Horr, Houghtaling, Hubert, Irwin, Jones, Kellogg, Lindsey, Mandeville, Myres, McBrayer, McDuffie, McKinney, Noel, J. W. Park, Ring, Rowan, Stowe, Sweasey, Tivy, Van Cleft and Whitman—30.

So the resolution passed.

The following Message was received from the Senate :

I am instructed to inform the Assembly that the Senate this day passed a concurrent resolution, instructing the Treasurer not to receive State Prison Bonds for the present, and their concurrence is requested.

JOHN Y. LIND.

Concurrent resolution from the Senate taken up for consideration.

Mr. Dawley moved to lay it upon the table.

Not agreed to.

Mr. Ewer demanded the previous question,  
Which was sustained.

The resolution was then concurred in.

On motion, leave of absence was granted to Mr. Gilbert for two days, Mr. Aylet for three days, and Mr. Whipple indefinite leave, in consequence of ill health.

The following message was received from the Senate :

I am instructed to inform the Assembly that the Senate have this day adopted the report of the Committee of Conference on the bill fixing the per diem of officers of Senate and Assembly, and have passed a substitute in accordance therewith which is now transmitted, and in which their concurrence is asked.

JOHN Y. LIND,  
Secretary.

Mr. Letcher, from the Committee on Conference, made a report, which is the same as the bill reported from the Senate.

A motion was made by Mr. McDonald, that the House refuse to concur in the report of the Conference Committee.

Not agreed to.

The Senate substitute to Assembly bill to fix the per diem pay of the officers of the Senate and Assembly,

Read a third time and passed.

Mr. Herbert gave notice that he would on Monday move a reconsideration of the vote accepting the compiled statutes of this State.

Mr. Griffith moved that the House adjourn until Tuesday next at 10 o'clock.

Not agreed to.

Mr. Bostwick moved that the House adjourn.

Not agreed to.

Mr. Pratt moved that the House adjourn until Tuesday next at 10 o'clock.

Upon which Mr. Herbert and other members demanded the yeas and nays.

Those who voted to adjourn were—

Messrs. Ashley, Ballou, Briggs, Carr, Carrillo, Clingan, Dawley, Green, Griffith, Henry, Hollister, Hubbard, Hunter, Pratt, Ring, Spencer, and Tallmadge—17.

Those in the negative were—

Messrs. Anderson, Bagley, Bennett, Bowie, Burton, Conness, Dannels, Ewer, Fairfield, Godard, Gordon, Hagans, Hastings, Herbert, Hoff, Horr, Houghtaling, Hoyt, Hubert, Hunt, James, Jones, Kellogg, Koll, Letcher, Lindsey, Mandeville, Musser, McBrayer, McDonald, McDuffie, McGee, McKinney, Nichols, Noel, F. A. Park, J. W. Park, Rowan, Springer, Stemmons, Stowe, Sweasey, Sweetland, Tivy, Van Cleft, Watkins and Whitman—47.

So the House refused to adjourn until Tuesday.

On motion, the House adjourned until Monday next at 10 o'clock.

## HOUSE OF ASSEMBLY.

MONDAY, January 23, 1854.

House met pursuant to adjournment.

The roll was called, and a quorum being present the House proceeded to business.

The Journal of Saturday last was read and approved.

On motion, one day's leave of absence was granted to Messrs. Ashley, Green, Kellogg, F. A. Park, Carr, Carrillo, Pratt, McGee, Myres, Van Cleft, Ballou, Springer, McDonald, Stowe, Houghtaling, Hubbard, Cornwall, Hoff and Tallmadge; and two days each to Messrs. McBrayer, Clingan and Irwin.

Mr. Sweasey introduced a bill for an Act to amend the eighth chapter of an Act entitled an Act concerning Courts of Justice in this State and Judicial Officers, passed May 19, 1853.

Which was read first time and laid over under the rules.

Mr. Hoyt, on leave, introduced a bill for an Act to provide for the better security and protection of Mining Claims;

Which was read first time and laid over under the rules.

Mr. Warmcastle, pursuant to previous notice, introduced a bill for an Act to regulate fees in office;

Which was read first time and 240 copies ordered to be printed.

Mr. Godard offered the following resolution, which was adopted:

*Resolved*, That the Sergeant-at-Arms be instructed to ascertain whether the Express Companies who have contracted to distribute the mail matter of the Legis-



lature deliver such mail matter to the Post Office to which they are directed, or retain them in their Express Offices for delivery, and report as soon as possible.

Mr. Sweetland, pursuant to notice, introduced a bill for an Act in relation to an Act defining the time of commencing civil actions in certain cases, approved May 4, 1852;

Which was read first time and laid over under the rules.

Mr. Hunt, agreeably to previous notice, introduced a bill for an Act for the government and protection of Indians;

Which was read first time and 240 copies ordered to be printed.

Mr. Griffith offered the following resolution, which was adopted :

*Resolved*, That the Sergeant-at-Arms be instructed to send all the mail matter of this House, not specially directed to be sent by express, through the regular mail.

On motion of Mr. Bradford, the Committee on Agriculture was instructed to report to this House as to the expediency of passing a law to prevent hogs from running at large.

Mr. Herbert introduced a bill for an Act in relation to State Prison Bonds;

Which was read first time and laid over under the rules.

Mr. McDuffie offered the following resolution, which was adopted.

*Resolved*, That two copies, when printed, of every bill and document ordered printed by the Assembly, be furnished to each Reporter for the press in the Senate and Assembly.

Mr. Bradford, on leave, introduced a bill for an Act to enforce the rules of Equity in Actions of Ejectment or other Possessory Actions;

Which was read first time and 240 copies ordered to be printed.

Mr. Herbert, pursuant to notice, offered a Joint Resolution relative to the mineral and other public lands in California;

Which was read first time and 240 copies ordered to be printed.

On motion of Mr. Hunter, the House adjourned.

## HOUSE OF ASSEMBLY.

TUESDAY, January 24, 1854.

House met pursuant to adjournment.

The roll was called by the Clerk, and a quorum being present, the Speaker announced the House ready to proceed to business.

The Journal of Monday read and approved.

Mr. Green presented a petition from sundry citizens of San Francisco, protesting against a law being passed to authorize a dam across Mission Creek.

Petition read and referred to Committee on Corporations.

Mr. Swcasey gave notice that at an early day he would introduce a bill declaring Mission Creek, in the county of San Francisco, a navigable stream.

Mr. Stowe gave notice that he would, at an early day, introduce a bill relative to Roads and Highways.

Senate bill No. 14, for an Act to provide a Contingent Fund for the Senate and Assembly.

Read first time and ordered a second reading on to-morrow.

Joint resolution in relation to the removal of the wreck of the ship Aberdeen.

Read second time and referred to Committee on Commerce.

Assembly bill, an Act to provide for the better security and protection of mining claims.

Read second time and referred to Committee on Mines and Mining Interests.

Assembly bill, an Act to amend the eighth chapter of an Act entitled an Act concerning Courts of Justice in this State and Judicial Officers, passed May 19th, 1853.

Read second time and referred to Judiciary Committee.

Mr. Anderson made the following report from the Committee on Engrossment :

The Committee on Engrossment have examined, and find correctly engrossed, an Act to provide for the salary of the Clerks in the State Department. Also, an Act to provide for the restoration of certain books, records, maps and papers to Humboldt county, now held by Trinity county.

Assembly bill, an Act in relation to an Act, defining the time of commencing civil actions in certain cases, approved May 4th, 1852.

Read second time and referred to Judiciary Committee.

Assembly bill, an Act in relation to State Prison Bonds.

Read second time and laid upon the table.

Mr. Hoyt introduced a bill for an Act to change the time of election of certain county and township officers.

Read first time and ordered to a second reading on to-morrow.

Mr. Kellogg introduced a bill for an Act to ascertain and provide for the payment of the debt due from Sierra county to Yuba county.

Read first time and ordered to a second reading on to-morrow.

Mr. Kellogg also introduced a bill for an Act to ascertain and provide for the payment of the debt due from Nevada county to Yuba county.

Read first time and ordered to a second reading on to-morrow.

Mr. Dawley introduced a bill for an Act for the protection of owners of building lots in the mining districts.

Read first and second time and referred to Committee on Mines and Mining Interests, and two hundred and forty copies ordered to be printed.

Mr. J. W. Park introduced a bill for an Act granting a charter to S. C. Fugitt, for a toll bridge across Dry Creek.

Read first time and ordered to a second reading on to-morrow.

Mr. J. W. Park gave notice that he would at an early day introduce a resolution to alter and amend the rules of this House.

On motion of Mr. Conness, Assembly bill, an Act to declare Crescent City the county seat of Klamath county, and to legalize the official acts of the County Judge and other county officers, in changing the seat of said county from Trinidad to Crescent City, was taken from the table, considered as engrossed, read a third time, and passed.

On motion of Mr. Greene, the House adjourned until 10 o'clock to-morrow.

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## HOUSE OF ASSEMBLY.

WEDNESDAY, January 25, 1854.

House met pursuant to adjournment.

The roll was called by the Clerk, and a quorum being present,

The Speaker announced the House ready to proceed to business.

The Journal of Tuesday was read and approved.

Mr. McDaniel, member elect from the county of Calaveras, appeared, was qualified and took his seat.

On motion, leave of absence was granted to Mr. Whitman for one day.

Mr. Gordon presented three petitions from sundry citizens of Calaveras, praying for the passage of a law to increase the license tax for retailing spirituous liquors.

Read and referred to a select committee of five

Messrs. Letcher, Gordon, Myres, Stemmons and Godard, were appointed said committee.

Mr. Watkins presented a petition from the citizens of Oakland, praying for a new charter.

Petition read and referred to Committee on Corporations.

Mr. McDonald presented a petition from sundry citizens of El Dorado and Calaveras counties, praying for the erection of a new county to be called Washington.

Mr. Springer and Mr. Hollister presented protests from citizens of El Dorado against any division of El Dorado county.

Petition and protests read and referred to the Committee on Counties and County Boundaries.

Mr. Pratt presented a petition from sundry citizens of Ione Valley, Calaveras county, in reference to the removal of the State Capital to Sacramento.

Read, and on motion laid upon the table.

Mr. Bradford presented a petition from Messrs. Dent, Vantine & Co., in reference to a claim in their favor against the Government of the United States.

Read and referred to Committee on Indian Affairs, with instructions to inquire into the expediency of a memorial to Congress upon the subject.

Mr. Anderson made the following report :

The Committee on Engrossment have examined and find correctly engrossed, Assembly joint resolution in relation to postal arrangements in this State.

Mr. McDuffie gave notice that at an early day he would introduce a bill to amend the charter of the city of Marysville.

Mr. Hunt offered the following, which was on motion laid upon the table :

*Resolved*, That the use of the Assembly chamber be tendered to the Senate during the progress of the present bribery case in that body ; *Provided*, the same only include the actual sittings of the Senate.

Mr. Stemmons moved to take from the table a resolution in relation to the appointment of a chaplain for the Assembly.

Upon which Messrs. James, Godard and Stemmons demanded the yeas and nays.

Those who voted to take from the table the resolution, were :

Messrs. Bagley, Bostwick, Bowie, Bradford, Briggs, Burton, Clingan, Dannels, Fairfield, Godard, Gordon Green, Hastings, Henry, Herbert, Hollister, Houghtaling, Hoyt, Hubbard, Irwin, James, Mandeville, Musser, McDaniel, McDonald, McGee, McKinney, Nichols, Noel, Pratt, Ring Spencer, Springer, Stemmons, Stevenson, Tallmadge, Van Cleft, Warmcastle and Whipple—39.

Those who voted against taking from the table, were :

Messrs. Anderson, Ashley, Aylett, Ballou, Bennett, Carr, Carrillo, Conness, Cornwall, Davidson, Dawley, Ewer, Griffith, Hagans, Hoff, Horr, Hubert, Hunt, Hunter, Jones, Kellogg, Koll, Letcher, Lindsey, Myres, McBrayer, McDuffie, F. A. Park, J. W. Park, Purdy, Stowe, Sweasey, Sweetland, Tivy and Watkins—35.

So the resolution was taken from the table.

On motion of Mr. Carrillo, the resolution was laid upon the table.

Mr. Hagans offered the following, which was not adopted :



*Resolved*, That the Sergeant-at-Arms be instructed to procure a suitable lamp and post it up at the entrance of the State House, and keep the same lighted at all times when necessity requires.

Mr. Horr gave notice that on to-morrow, he would introduce a bill entitled an Act for the relief of the Insane Asylum.

Mr. Spencer introduced a joint resolution in relation to creating a new collection district and establishing the Port of Entry at Humboldt Bay.

Read first and second time and referred to Committee on Federal Relations.

On motion of Mr. Herbert, Assembly bill for an Act in relation to State Prison bonds, was taken from the table and referred to Judiciary Committee.

The Speaker laid before the House a communication from the Collector of the Port of San Francisco, R. P. Hammond, Esq., which was read and referred to Committee on Public Lands.

Assembly bill No. 55, for an Act to change the time of the election of certain county and township officers.

Read second time and referred to Committee on Elections.

Senate bill No. 14, for an Act to provide a Contingent Fund for the Senate and Assembly.

Read second time, and on motion, laid upon the table.

Assembly bill No. 59, an Act granting a charter to S. C. Fugitt, for a toll bridge across Dry Creek.

Read second time and referred to Committee on Corporations.

Assembly bill No. 56, an Act to ascertain and provide for the payment of the debt due from Nevada county to Yuba county.

Read second time and referred to delegation from Yuba and Nevada counties.

Assembly bill No. 57, an Act to ascertain and provide for the payment of the debt due from Sierra county to Yuba county.

Read second time and referred to the delegation from Yuba and Sierra counties.

Mr. Koll introduced a bill for an Act amendatory of an Act to provide for the protection of Foreigners, and to define their liabilities and privileges.

Read first time and ordered to a second reading on to-morrow.

Mr. Sweasey introduced a bill for an Act to declare Mission Creek, in the county of San Francisco, a navigable stream.

Read first time and ordered to a second reading on to-morrow.

On motion of Mr. Griffith, a resolution offered by Mr. Hunt, in reference to the meeting of the Senate in the Assembly Hall, was taken from the table.

Mr. Stowe offered the following as a substitute, which was adopted for the original offered by Mr. Hunt.

*Resolved*, That during the time the Senate shall be engaged in the investigation of the bribery case, the use of that Hall be tendered to this body; and that the Assembly meet each day during the said investigation, at 9 o'clock, A. M., and adjourn at 11 A. M.

• On motion of Mr. Bostwick, the whole subject was laid upon the table.

Mr. Griffith gave notice that on to-morrow he would move to amend the first standing rule of this House.

Mr. Jones gave notice that on to-morrow he would move to reconsider the vote which referred Assembly bill to the delegation from Yuba and Sierra.

On motion of Mr. Tallmadge the House adjourned until to-morrow at 10 o'clock

## HOUSE OF ASSEMBLY.

THURSDAY, January 26, 1854.

House met pursuant to adjournment.

The roll was called by the Clerk, and a quorum being present,

The Speaker announced the House ready to proceed to business.

The Journal of Wednesday was read and approved.

Mr. Horr presented a petition from sundry citizens of Tuolumne county, praying the creation of a new county.

Read and referred to Committee on Counties and County Boundaries.

Mr. McDaniel presented a petition from sundry citizens of Calaveras, praying at a new county be created out of portions of the territory of Calaveras and El Dorado.

Referred to Committee on Counties and County Boundaries.

Mr. Spencer presented a petition from William Edgar, a citizen of Humboldt county, praying for the passage of a law granting him the right to build a dam across Elk river, in said county.

Read and referred to Committee on Corporations.

Mr. James made the following report, which was adopted :

The Committee on Mileage respectfully report that C. A. McDaniel, member elect to fill the vacancy occasioned by the death of Hon. J. H. Carson, from the county of Calaveras, is entitled to mileage pay for four hundred miles, \$160.

Mr. French gave notice that at an early day he would introduce a bill to legalize certain acts of the County Judge of San Luis Obispo, and to declare said judgeship vacant.

Mr. Griffith proposed the following amendment to the first standing rule of the House, according to previous notice :

“ He shall take the chair every morning precisely at the hour of 10 o'clock, unless otherwise ordered ; shall immediately call the House to order, and on the appearance of a quorum, shall cause the Journal of the preceding day to be read.”

Upon which Messrs. Stowe, James and Bennett demanded the yeas and nays.

Those who voted to amend the rules were—

Messrs. Ashley, Aylett, Ballou, Bostwick, Briggs, Burton, Carr, Carrillo, Clingan, Conness, Dawley, Ewer, French, Godard, Green, Griffith, Hollister, Houghtaling, Hoyt, Hubbard, Koll, Letcher, Lindsey, Mandeville, Musser, Myres, McBrayer, McDonald, Nichols, F. A. Park, J. W. Park, Pratt, Purdy, Ring, Spencer, Springer, Stevenson, Sweasey, Sweetland, Tallmadge, and Van Cleft—41.

Those who opposed the amendment of the rule were—

Messrs. Anderson, Bennett, Bowie, Bradford, Cornwall, Dannels, Fairfield, Gordon, Hagans, Hastings, Henry, Herbert, Horr, Hunter, Irwin, James, Jones, Kellogg, McDaniels, McDuffie, McGee, McKinney, Noel, Rowan, Stemmons, Stowe, Tivy, Warmcastle, Watkins, Whipple, and Whitman—31.

It requiring a two-thirds vote to change a Standing Rule of the House, consequently the motion to amend was lost.

Mr. Hoyt offered the following, which was adopted :

*Resolved*, That the Sergeant-at-Arms procure sufficient bill files for the use of the members of the Assembly.

The following message was received from the Senate :

I am instructed to inform the Assembly that on yesterday the Senate passed the following Assembly bills :

A bill for "An Act authorizing the Governor to pardon Timothy Donovan."

A bill for "An Act to repeal an Act to provide for the better publication of Official and Legal Notices, approved May 3, 1853."

And a bill for "An Act to declare Crescent City the County Seat of Klamath county, and to legalize the official acts of the County Judge, and other county officers, in changing the seat of justice of said county from Trinidad to Crescent City."

All of which are herewith respectfully returned.

JOHN Y. LIND,  
Secretary.

Assembly bill No. 7, "An Act to provide for the restoration of certain Books, Records, Maps, and Papers, to Humboldt county, now held by Trinity county,"

Read a third time and passed.

Mr. McDuffie introduced a bill for "An Act amendatory to an Act Incorporating the city of Marysville, and Acts supplementary to said Act."

Read first and second time, and referred to the delegation from Yuba county.

Assembly bill No. 62, "An Act declaring Mission Creek, in the county of San Francisco, a navigable stream."

Read second time and referred to Committee on Commerce and Navigation.

Assembly bill No. 61, an Act amendatory of an Act to provide for the protection of foreigners and to define their liabilities and privileges.

Read second time and referred to Committee on Mines and Mining interests.

Assembly bill No. 49, an Act for the government and protection of Indians.

Read second time and referred to Committee on Indian Affairs.

Assembly Joint Resolutions in relation to the mineral and other public lands in the State of California.

Read second time and referred to Committees on Public Lands and Mines and Mining Interests.

Assembly bill No. 51, an Act to enforce the Rules of Equity in actions of Ejectment or other possessory actions.

Read second time and referred to Judiciary Committee.

On motion, Mr. Bradford was added to the Judiciary Committee.

Assembly bill No. 34, an Act to suppress Gambling.

Read a second time and referred to Judiciary Committee.

Assembly bill, an Act amending an Act to define the duties of County Clerks, passed April 18, 1850.

Read second time and referred to Judiciary Committee.

Assembly bill No. 31, to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of Justice in this State, passed April 29, 1851.

Read second time and referred to Judiciary Committee.

Assembly bill No. 39, an Act to fix the compensation of the County Judge ofulare county.

Read second time and referred to Judiciary Committee.

Assembly bill No. 63, an Act to protect the rights of persons not parties to executions and other process.

Read second time and referred to Judiciary Committee.

On motion, Mr. McDuffie was added to the Committee on Indian Affairs.

Mr. Bradford gave notice that on to-morrow he would introduce a bill for an Act concerning evidence in certain cases.

Mr. Horr introduced a bill, an Act for the relief of the Insane Asylum.

Read first and second time and referred to Committee on State Hospitals.

Mr. Springer offered the following resolution, which was adopted :

*Resolved*, That the use of the Assembly Hall be tendered to Rev. Bishop Simpson for the holding of Divine Service on the evening of this the 26th of January.

On motion of Mr. Bradford, the Judiciary Committee were instructed to inquire into the expediency of an amendment repealing so much of the criminal practice Act as allows the defendant the concluding argument in criminal cases.

Mr. Carrillo gave notice that he would, at an early day, introduce a bill to alter the boundary line between San Luis Obispo and Santa Barbara counties.

On motion of Mr. Jones, the House adjourned until 10 o'clock to-morrow.



## HOUSE OF ASSEMBLY.

FRIDAY, January 27, 1854.

House met pursuant to adjournment.

The roll was called by the Clerk, and a quorum being present the Speaker announced the House ready to proceed to business.

The Journal of Thursday was read, amended and approved.

On motion, leave of absence was granted to Mr. French for one day, Mr. Pratt for two days, Mr. Bostwick for three days, and Mr. Carrillo for two days.

Mr. Gordon presented a petition from numerous citizens of the counties of El Dorado and Calaveras praying for the creation of a new county to be called Washington.

Read and referred to Committee on Counties and County Boundaries.

Mr. Whipple introduced a bill to incorporate Crescent City, to which was appended a petition from the citizens of Crescent City.

The bill was read first and second time and referred to Committee on Corporations.

Mr. Watkins gave notice that he would, on to-morrow, introduce a bill to incorporate the town of Alameda.

Mr. Tivy, chairman, made the following report :

The Joint Committee on Enrolled Bills report that they have examined and find correctly enrolled—

An Act to abolish the Board of Supervisors of the county of Tulare.

Also, an Act to repeal an Act entitled an Act to provide for the Inspection of Flour, passed May 3, 1852, and to repeal an Act amendatory of an Act entitled an Act to provide for the Inspection of Flour, passed May 18, 1853.

Also, an Act to declare Crescent City the county seat of Klamath county, and to legalize the official acts of the County Judge and other county officers, in changing the seat of justice of said county from Trinidad to Crescent City.

Also, an Act authorizing the Governor to pardon Timothy Donovan.

Also, an Act in relation to the Insane Fund ; and,

Also, an Act to amend an Act concerning Jurors, approved May 3, 1853.

Mr. Stowe offered a concurrent resolution to appoint a Joint Committee from the Senate and Assembly to revise and amend the Practice Act of this State.

Mr. Hoyt offered the following as a substitute which was not adopted :

*Resolved*, That the Judiciary Committee of the Assembly and Senate, the Senate concurring, be requested to report upon the expediency of raising a Joint Committee to revise the Practice Act.

The vote was then taken upon the resolution offered by Mr. Stowe and adopted,

nd Messrs. Stowe, Warmcastle, Myres and Gordon were appointed on the part of the House.

Mr. Dannels made the following report :

The Committee to whom was referred an Act amendatory to an Act incorporating the city of Marysville, and Acts supplementary to said Act, beg leave to report, that they have examined the same and report it back to the House without amendment, and recommend its passage.

The bill was considered as engrossed, read a third time and passed.

Mr. Herbert gave notice that he would on to-morrow, or an early day thereafter, introduce a bill to appropriate certain money for the maintenance and protection of the Insane.

Mr. Tivy introduced a Joint Resolution in reference to the removal of Indians by the General Government beyond the limits of this State.

Read first and second time, and 240 copies ordered to be printed, and referred to Committee on Indian Affairs.

Mr. F. A. Park gave notice that on to-morrow, or at some future day, he would introduce a bill for an Act amendatory of an Act entitled an Act concerning District Attorneys.

Mr. McBrayer gave notice that at an early day he would introduce a bill to declare the meaning and intention of Article Third of an Act entitled an Act concerning officers, passed April 28, 1851.

Also, a bill concerning Constables in Sacramento City.

Mr. Sweasey offered the following, which was not adopted :

*Resolved*, That a Committee of five be appointed to regulate and revise an Act to regulate fees in office, passed May 1st, 1851.

The following message was received from the Senate :

I am instructed to inform the Assembly, that on yesterday, the Senate passed Assembly Joint Resolution in regard to the increase of mail service for California and Oregon, with several amendments, which are herewith transmitted, and in which the concurrence of the Assembly is respectfully asked.

JOHN Y. LIND, Secretary.

The House concurred in the amendment to the title of the resolution made by the Senate, and rejected the second amendment, and while the third amendment was under consideration, on motion, the resolution and amendment were laid upon the table.

Mr. Gordon introduced a bill for an Act to repeal an Act entitled an Act to authorize the County Surveyor of Calaveras county to rent an office.

Read first time and ordered to a second reading on to-morrow.

Mr. Gordon also gave notice that on to-morrow, the 28th instant, he would introduce a bill for an Act to be entitled an Act to fix the time for holding the elections for United States Senator.

Mr. Bradford introduced a bill for an Act concerning evidence in certain cases.

Read first time and ordered to a second reading on to-morrow.

Mr. Myers introduced a bill for an Act to amend an Act to regulate proceedings in civil cases, in the Courts of Justice of this State, passed April 29, 1851.

Read first time and ordered to a second reading on to-morrow.

Mr. Warmcastle introduced a bill for an Act to amend the first section of an Act to provide for the formation of corporations, for certain purposes, approved April 14, 1853.

Mr. Spencer from the Committee on State Hospitals, reported back to the House an Act for the relief of the Insane Asylum, without amendment, and recommended the passage of the same.

On motion, the House resolved itself into Committee of the Whole, Mr. Bradford in the chair, to consider the bill: the Committee, on motion, rose, reported the bill back to the House without amendment, and asked to be discharged from it for further consideration.

The committee was discharged, the bill considered as engrossed, read a third time and passed.

Mr. Bradford gave notice that on to-morrow, he would introduce a bill for an Act to provide for the selection of lands donated by the United States to the State of California.

On motion of Mr. Warmcastle, the House adjourned until 10 o'clock, to-morrow.

## HOUSE OF ASSEMBLY

SATURDAY, January 28, 1854

House met pursuant to adjournment.

The roll was called by the Clerk, and a quorum being present,

The Speaker announced the House ready to proceed to business.

The Journal of Friday was read and approved.

On motion, leave of absence was granted to Mr. Hunt, one day, to Mr. Dawley one day, to Mr. Griffith, three days, and to Mr. Letcher, four days.

Mr. McBrayer, from the Committee on Commerce, made the following report

The Committee on Commerce, to whom was referred the bill to repeal an Act to provide for the measurement of lumber, approved April 30, 1853, having had the same under consideration, beg leave to report the same back to the House, without amendment, and recommend its passage.

Also, the Joint Resolution in relation to the removal of the wreck of the ship Aberdeen, having given the same their attention, beg leave to report it back to the House without amendment, and recommend its immediate passage.

Assembly bill, an Act to repeal an Act entitled an Act to provide for the measurement of Lumber, approved April 30, 1853, on its third reading, on motion, laid upon the table.

Joint Resolution in relation to the removal of the wreck of the ship Aberdeen, considered as engrossed, read a third time and passed.

Mr. Irwin, chairman, made the following report :

The Committee on Federal Relations, to whom was referred Joint Resolution in relation to erecting a new Collection District and establishing the Port of Entry at Humboldt Bay, have had the same under consideration and respectfully recommend their passage.

The resolution was considered as engrossed, read a third time and passed.

Mr. Tivy, chairman, made the following report :

The Joint Committee on Enrolled bills, beg leave to report, that they did on yesterday, present to his Excellency, the Governor, for his approval, an Act to abolish the Board of Supervisors of the county of Tulare.

Also, an Act to repeal an Act entitled "an Act to provide for the inspection of Flour, passed May 3, 1852, and to repeal an Act amendatory of an Act entitled 'an Act to provide for the inspection of Flour, passed May 18, 1853.' "

Also, an Act to declare Crescent City the County Seat of Klamath county, and to legalize the official acts of the County Judge and other county officers in changing the seat of justice of said county from Trinidad to Crescent City.

Also, an Act authorizing the Governor to pardon Timothy Donovan.

Also, an Act in relation to the Insane Fund.

And, also, an Act to amend an Act entitled an Act concerning Jurors, approved May 3, 1852.

Mr. Myres, chairman, made the following report :

The Judiciary Committee respectfully submit the following report.

The Committee have had under consideration Assembly bill No. 40, for an Act to repeal sections one and two of an Act to amend an Act entitled an Act concerning Crimes and Punishments, passed April 22, 1851, and recommend the passage of the same with the accompanying amendments.

Also, Assembly bill No. 33, entitled an Act amending an Act to define the duties of County Clerks, passed April 18, 1850, and recommend that it be indefinitely postponed.

Also, Assembly bill No. 30, entitled an Act concerning County Judges, and recommend its passage with an amendment by striking out the second section of the bill.

Also, Assembly bill No. 47, entitled an Act to amend the 8th Chapter of an Act entitled an Act concerning Courts of Justice in this State and Judicial Officers, passed May 19, 1853, report the same back to the House and recommend that it be referred to the San Francisco delegation,

Also, Assembly bill No. 32, entitled an Act to fix the compensation of the County Judge of Tulare county, and recommend the passage of the same.

Assembly bill No. 40, reported back by Judiciary Committee, on motion, 240 copies ordered to be printed and the bill laid upon the table.

Assembly bill No. 33, reported back by the Judiciary Committee ; on motion it was indefinitely postponed.



Assembly bill No. 30, reported back with amendments by the Judiciary Committee; amendments concurred in, the bill considered engrossed, read a third time and passed.

Assembly bill No. 47, reported back by Judiciary Committee, and referred to delegation from San Francisco.

Assembly bill No. 32, reported back by Judiciary Committee, considered as engrossed, read a third time and passed.

The following message was received from the Governor :

I have this day approved the following Acts which originated in the Assembly, viz :

An Act to declare Crescent City the County Seat of Klamath county, and to legalize the official acts of the County Judge and other county officers in changing the seat of justice of said county from Trinidad to Crescent City.

An Act in relation to the Insane Fund.

An Act to repeal an Act entitled an Act to provide for the inspection of Flour, passed May 3, 1852, and to repeal an Act amendatory of an Act entitled an Act to provide for the Inspection of Flour, passed May 18, 1853.

An Act to abolish the Board of Supervisors in the county of Tulare.

Also, an Act to authorize the Governor to pardon Timothy Donovan.

JOHN BIGLER.

Mr. Gordon introduced a bill, an Act fixing the time of electing United States Senators.

Read first time and ordered to a second reading on to-morrow.

Mr. F. A. Park introduced a bill for an Act amendatory of an act entitled an Act concerning District Attorneys, passed April 29, 1851.

Read first time and ordered to a second reading on to-morrow.

Mr. McBrayer introduced the following bills :

A bill for "An Act to declare the meaning and intention of an Act entitled An Act concerning Officers, passed April 28, 1851."

Read first and second time, and referred to the delegation from Sacramento.

"An Act concerning Constables in the city of Sacramento."

Read first and second time and referred to the delegation from Sacramento.

Mr. Watkins introduced a bill for "An Act to Incorporate the town of Alameda."

Read first time, and ordered to a second reading on to-morrow.

Mr. Van Cleft introduced a bill for "An Act to suppress Public Gambling."

Read first time, and ordered to a second reading on to-morrow, and 240 copies ordered to be printed.

Mr. Ballou offered the following :

*Resolved.* That a committee of three be appointed to invite Thomas Francis Meagher to lecture at the Capital of this State, whenever or at such time as may suit his convenience.

Mr. Purdy moved to strike out "a committee of three," and insert "the Clerk of this House."

Agreed to.

Mr. Whitman moved to lay the resolution on the table.

Not agreed to.

Mr. Whitman then moved to indefinitely postpone.

Not agreed to.

Mr. Warmcastle offered the following as a substitute to the resolution offered by Mr. Ballou, which was adopted :

*Resolved*, That the Speaker of the Assembly extend to Thomas F. Meagher the use of this Hall to deliver a lecture, on any evening that may suit his convenience.

And upon the final passage of the substitute, Messrs. Watkins, McKinney and Ballou, demanded the yeas and nays.

Those who voted in favor of the substitute were—

Messrs. Anderson, Aylett, Bagley, Ballou, Bennett, Bowie, Briggs, Burton, Carr, Clingan, Conness, Dannels, Davidson, Ewer, Fairfield, French, Gilbert, Godard, Green, Gordon, Hagans, Hastings, Henry, Herbert, Hoff, Horr, Houghtaling, Hoyt, Hubbard, Hubert, Hunter, James, Jones, Kellogg, Koll, Lindsey, Mandeville, Musgrave, Myres, McBrayer, McDaniel, McDonald, McGee, O'Neil, F. A. Park, J. W. Park, Purdy, Ring, Rowan, Spencer, Springer, Stemmons, Stevenson, Stowe, Sweetland, Tallmadge, Tivy, Van Cleft, Warmcastle, and Whipple—61.

Those who voted against the resolution were—

Messrs. Cornwall, Irwin, McDuffie, McKinney, Nichols, Noel, Watkins, Whitman, and Mr. Speaker—9.

So the resolution passed.

Mr. J. W. Park introduced a bill for an Act in relation to the Public Schools in the city of Sacramento.

Read first and second time, and referred to Committee on Education.

Mr. O'Neil made the following report :

The Committee on Engrossment have examined and find correctly engrossed,

"An Act for the Relief of the Insane Asylum."

Also, "An Act amendatory to an Act Incorporating the city of Marysville, and so supplementary to said Acts."

Mr. Hoff presented the report of the Trustees of the San Francisco State Marine Hospital,

Which, on motion, was referred to the Committee on State Hospitals.

Mr. Stowe gave notice that he would at an early day introduce a bill fixing a time when laws passed by the Legislature shall take effect.

On motion of Mr. Warmcastle, 240 copies of the special message of the Governor in relation to State Prison Bonds were ordered to be printed.

The following message was received from the Senate :

I am instructed to inform the Assembly that on yesterday the Senate passed a

ill for "An Act to authorize the release of John G. Bercham and his sureties from a recognizance and judgment,"

Which is herewith transmitted.

JOHN Y. LIND,  
Secretary.

Senate bill, No. 22, just reported.

Read first time and ordered to a second reading on to-morrow.

Assembly bill No. 69, an Act concerning evidence in certain cases.

Read second time and referred to Judiciary Committee.

Assembly bill No. 70, an Act to amend an Act to regulate proceedings in civil cases in the Courts of Justice of this State, passed April 29, 1851.

Read second time and referred to Judiciary Committee.

Assembly bill No. 71, an Act to repeal an Act entitled an Act to authorize the County Surveyor of Calaveras county to rent an office, approved May 7, 1853.

Read second time and referred to Delegation from Calaveras county.

Assembly bill No. 67, an Act to amend the first section of an Act to provide for the formation of Corporations for certain purposes, approved April 14, 1853.

Read second time and referred to Committee on Corporations.

On motion, the House adjourned until Monday, at 10 o'clock.

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## HOUSE OF ASSEMBLY.

MONDAY, January 30, 1854.

House met pursuant to adjournment.

There being no quorum present, upon motion, the House adjourned until 10 o'clock to-morrow.

## HOUSE OF ASSEMBLY.

TUESDAY, January 31, 1851.

House met pursuant to adjournment.

The roll was called by the Clerk, and a quorum being present, the Speaker announced the House ready to proceed to business.

The Journals of Saturday and Monday were read and approved

On motion, leave of absence was granted to Mr. Musser for one day ; to Mr. Sweasey for one day ; to Mr. Houghtaling for one day ; and indefinite leave granted to Mr. Ashley in consequence of the ill health of his family.

Mr. Myres made the following report :

The Judiciary Committee, to whom was referred Assembly bill No. 39, an Act to amend an Act concerning Crimes and Punishments, passed April 16, 1850, have examined the same and recommend its passage, and suggest that the same be printed.

Also, Assembly bill No. 48, entitled an Act in relation to an Act defining the time of commencing civil actions in certain cases, approved 4th of May, 1852, and herewith report a substitute for the same, the passage of which is recommended.

Assembly bills No. 39 and 48, with the substitutes offered by the committee, were laid upon the table and ordered to be printed 240 copies of each.

Mr. O'Neil, chairman, made the following report :

The Committee on Engrossment have examined and find correctly engrossed—  
An Act concerning County Judges.

Also, an Act to fix the compensation of the County Judge of Tulare county.

Also, Joint Resolution in relation to the removal of the wreck of ship Aberdeen ; and,

Also, a Joint Resolution in relation to creating a new Collection District, and establishing the Port of Entry at Humboldt Bay.

Mr. Jones gave notice that he would, on to-morrow, introduce a bill for an Act to amend the fourth and fifth sections of an Act concerning Estray Animals, passed May 1, 1851.

Mr. McDuffie gave notice that on to-morrow, or at some early day thereafter, he would introduce a bill for an Act concerning Legal Proceedings in favor of and against counties.

Mr. McDaniel gave notice that, at an early day, he would introduce a bill for an Act to grant to Justices of the Peace power to issue writs of injunctions within their respective townships, in all cases that may come under the jurisdiction of said Justices.



Mr. Carrillo introduced a Joint Resolution in relation to the present condition of Lower California.

Read first time and ordered to a second reading on to-morrow.

Mr. Watkins offered the following, which was adopted :

*Resolved*, That the Committee on Corporations be instructed to inquire into the expediency of so amending the Act to provide for the Incorporation of Railroad Companies, as to grant to the Atlantic and Pacific Railroad Company, and to any other company or companies which have, or may be formed under that Act, so as to grant them the right of way within the limits of California, and such other aid, and with such other alterations and amendments as the interest and welfare of California may demand, and that they have leave to repeat by bill or otherwise.

The Speaker laid before the House a communication from the Attorney General upon the subject of locating School Land Warrants.

Communication read and 240 copies ordered to be printed.

Mr. Gordon gave notice that, at an early day, he would introduce a bill for an Act supplementary to an Act to provide for the Lien of Mechanics and others, passed April 12, 1850.

The following message was received from the Senate :

I am instructed to inform the Assembly that on Saturday last the Senate passed a bill for an Act to change the name of William Alexander Smith to Amor de Cosmos; and

A Concurrent Resolution granting leave of absence to the Judge of the Eleventh Judicial District.

They have also passed Assembly bill for an Act amendatory of an Act incorporating the City of Marysville and Acts supplementary to said Acts; and

Assembly Concurrent Resolution in reference to the reception of the Codified Statutes.

All of which are herewith respectfully transmitted.

JOHN Y. LIND,  
Secretary

Senate bill No. 24, an Act to change the name of William Alexander Smith to Amor de Cosmos.

Read a first time, and ordered to a second reading on to-morrow.

Senate Concurrent Resolution to grant leave of absence to the Judge of the Eleventh District.

Concurred in by the Assembly.

Senate bill No. 22, an Act to authorize the release of John G. Bercham and his sureties from a recognizance and judgment.

Read a second time and referred to the Judiciary Committee.

The following message was received from the Governor

EXECUTIVE DEPARTMENT, }  
Benicia, Jan. 31st, 1854. }

*To the Senate and Assembly of California;*

I have the honor herewith to transmit a copy of an important report received on the 24th inst. from the Superintendent of Public Instruction. The suggestions therein contained are worthy of immediate and careful consideration.

In this connection, I deem it a duty again to urge upon you the great importance of legislative action, in order to secure to the State all the lands donated by Congress for educational purposes.

The Act of 1852, which authorizes School Warrants to be issued, was passed to secure the proceeds of the sales of the five hundred thousand acres for the great object designed by the framers of the Constitution—the education of the children of the State.

These lands, donated by Act of Congress, approved September 4, 1841, were originally granted for purposes of internal improvement, but were diverted by our Constitution to the support of Common Schools. As yet, but a small portion has been surveyed; and it is held by agents of the General Government, that, under the provisions of the Act of Congress, approved March 3, 1853, School Land Warrants, issued by the State, cannot be located on unsurveyed lands; under this construction the State will be delayed in her selections, perhaps, for many years, and, indeed, may eventually lose the greater part of the funds.

Is the State to be deprived of this fund at a time when a general and comprehensive system of Public Instruction is so much needed? is the education of the children of the State, now numbering tens of thousands, to be subject to the delays and uncertainties incident to the action of the Federal Government? These are questions of vital importance to the people of California, intimately connected, as they are with their present interests and future welfare. I hope, therefore, that the Legislature will, at an early day, memorialize Congress to confirm, by special Act, the past legislation of the State in relation to the selection of the five hundred thousand acres of school lands: and to remove the restrictions which at present retard her progress, and are inimical to her interests and the future welfare of her people.

Such a policy can work no injury or hardship to the actual settler, for the reason that the lands selected can be disposed of by the State, under your direction, on the same terms as now exacted by the General Government, and with less actual expense to the purchaser, than under the existing laws of the United States. If the price be fixed at one dollar and twenty-five cents per acre, the school lands *unsold*, including the 16th and 36th sections, will yield six million eight hundred and forty-six thousand nine hundred and fifty-five dollars, which at seven per cent., will afford an annual interest of four hundred and seventy-nine thousand two hundred and eighty-six dollars and eighty-five cents, a sum quite sufficient to sustain a system of popular education superior to that of any of the older States of the Confederacy.

The plan proposed by the Superintendent would give to persons of small means an opportunity to secure homes at a trifling amount of annual interest, until prepared, at some future day, to pay the principal.

This plan, it is believed, would favor the interests of the actual settler, and is consistent with the requirements of the Constitution, which direct that the interest only, shall be annually applied for the benefit of Common Schools; leaving the principal intact and a perpetual fund for their support.

Should, however, the present Legislature fail or neglect to adopt proper measures, in reference to these lands, there is great reason to fear that the State will be de-

prived of the greater part of them, and the cause of education within the State be seriously retarded. The proceeds of these lands, unless immediate action be taken to secure their selection, instead of constituting a fund for the education of the children of the State, as designed by the Constitution, will accumulate in the Treasury of the nation, now full to overflowing, and be forever lost to the rising generation.

To secure the selection of these lands, and preserve the educational fund, is the object of this communication, and it is hoped that it will incite you to give the subject immediate and favorable consideration.

JOHN BIGLER.

The message and the report of the Superintendent of Public Instruction was read, and 1,000 copies ordered to be printed. (See Appendix, Doc. No. 5.)

Assembly bill No. 73, an Act to incorporate the town of Alameda.

Read a second time, and referred to Committee on Corporations.

Assembly bill No. 77, an Act amendatory of an Act entitled an Act concerning District Attorneys, passed April 29, 1851.

Read a second time, and referred to Judiciary Committee.

Assembly bill No. 76, an Act fixing the time of electing United States Senators.

Read a second time.

Mr. Hoff moved to refer the bill to the Judiciary Committee.

Mr. Mandeville moved to refer the bill to the Committee of the Whole House, and make it the special order for 12 o'clock, on Friday next, and

Messrs. Mandeville, Myres and Hagans demanded the yeas and nays.

Those who voted to refer and make it the special order, were :

Messrs. Anderson, Bennett, Bostwick, Bowic, Bradford, Burton, Carr, Carrillo, Cornwall, Dannels, Ewer, Gordon, Hagans, Hastings, Henry, Herbert, Hubert, Hunt, Hunter, Irwin, James, Lindsey, Manandeville, McDaniel, McDuffie, McGee, McKinney, Noel, Stevenson, Stowe, Sweetland, Tivy, Warmcastle, Watkins, Whipple, Whitman and Mr. Speaker—37.

Those who voted against a reference were—

Messrs. Bagley, Ballou, Briggs, Clingan, Conness, Davidson, Dawley, Fairfield, French, Gilbert, Godard, Green, Hoff, Hollister, Hoyt, Hubbard, Jones, Kellogg, Koll, Myres, McBrayer, McDonald, Nichols, O'Neil, F. A. Park, Pratt, Purdy, Ring, Rowan, Springer, Tallmadge and Van Cleft—32.

So the bill was referred and made the special order for 12 o'clock on Friday next, and 240 copies ordered to be printed.

Mr. Whipple introduced a bill for "An Act to prevent the sale of fire arms and ammunition to the Indians in this State."

Read a first time, and ordered to a second reading on to morrow.

Mr. Bradford introduced a bill for "An Act to provide for the selection of Lands donated by the United States to the State of California.."

Read the first time, and 240 copies ordered to be printed.

The following message was received from the Senate :

I am instructed to inform the Assembly that the Senate have this day passed Assembly bill for "An Act for the relief of the Insane Asylum."

JOHN Y. LIND,  
Secretary.

On motion, Mr. McDaniel was added to the Committee of Ways and Means.

On motion, the House adjourned until 10 o'clock to-morrow.

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## HOUSE OF ASSEMBLY,

WEDNESDAY, February 1, 1854.

House met pursuant to adjournment.

The roll was called by the Clerk, and a quorum being present,  
The Speaker announced the House ready to proceed to business.  
The Journal of Tuesday was read and approved.

Mr. Ewer made the following report from the Committee on Elections :

The Committee to whom was referred a bill for "An Act to change the time of the Election of certain County and Township Officers," have had the same under consideration, and respectfully report :

The committee respectfully suggest that, more especially in this country than almost any other, time is emphatically money, and that the election of county and township officers can as well be had at the general election as at any other time, and therefore recommend that the bill do not pass.

The above bill, on motion, laid upon the table and 240 copies ordered to be printed.

Mr. Tivy, chairman, made the following report :

The Joint Committee on enrolled bills have carefully examined Assembly bill entitled an Act for the relief of the Insane Asylum and find the same correctly enrolled.

Mr. Myres, chairman, made the following report :



The Judiciary Committee have had before them Assembly bill No. 16, entitled an Act to authorize the State Treasurer to issue a duplicate Land Warrant to George W. Coffee. The Committee being without evidence before them of the loss referred to in said bill, report the same back to the House for its disposition.

Also, Assembly bill No. 35, entitled "An Act to create a Board of Supervisors in and for the several counties of this State, and to define their duties and powers."

The committee, not knowing the wants of the several counties in which the provisions of this bill are designed to operate, report it back to the House, and ask to be discharged from its further consideration.

Assembly bill No. 16, "An Act to authorize the State Treasurer to issue a duplicate Land Warrant to George W. Coffee,"

Considered as engrossed, read a third time and passed.

Assembly bill No. 35, "An Act to create a Board of Supervisors in and for the several counties of this State, and to define their duties and powers,"

On motion, laid upon the table, and 240 copies ordered to be printed.

Mr. Hubert gave notice that at an early day he would introduce a bill for an Act to amend sections 28, 29, and 156 of the Act to regulate proceedings in Civil Cases in the Courts of Justice of this State.

The following message was received from the Senate :

I am instructed to inform the Assembly that on yesterday the Senate passed Assembly bill for "An Act to fix the compensation of the County Judge of Tulare county,"

And Assembly Joint Resolution in relation to the removal of the wreck of the ship Aberdeen,

And also, that the Senate passed a concurrent resolution concerning the Pacific Railroad, and have appointed a committee, consisting of Messrs. Hall, Whiting and May, to carry out the objects of the resolution.

JOHN Y. LIND.

Secretary.

Senate concurrent resolution concerning the Pacific Railroad, on motion, referred to Committee on Federal Relations.

Mr. Jones introduced a bill, "An Act to amend the 4th and 5th sections of an Act concerning estray animals, passed May 1, 1851."

Read first time, and 240 copies ordered to be printed.

Mr. Stowe introduced a bill for an Act fixing a time for Acts and Joint Resolutions to take effect, and to repeal an Act fixing the time for Acts and Joint Resolutions to take effect, passed January 24, 1850.

Read first time and ordered to a second reading on to-morrow.

Mr. Tivy introduced a bill for an Act to provide for holding terms of the District Court in Tulare county.

Read first time and ordered to a second reading on to-morrow.

Senate bill No. 24, an Act to change the name of William Alexander Smith to Amor De Cosmer.

Read second time and referred to the Delegation from El Dorado.

Assembly bill No. 80, an Act to prevent the sale of fire arms and amunition to Indians in this State.

Read second time and referred to Committee on Indian Affairs.

Assembly Joint Resolutions relating to the present condition of Lower California.

Read second time, 240 copies ordered to be printed, and referred to Committee Federal Relations.

Assembly bill No. 72, an Act to suppress Public Gambling.

Read second time and referred to Judiciary Committee.

On motion, the House adjourned until 10 o'clock to-morrow.

## HOUSE OF ASSEMBLY.

THURSDAY, February 2, 1854.

House met pursuant to adjournment.

The roll was called by the Clerk, and a quorum being present,  
The Speaker announced the House ready to proceed to business.  
The Journal of Wednesday was read and approved.

Mr. James offered the following :

*Resolved*, By the Assembly, the Senate concurring, that a copy of the Codified statutes be furnished to each of the Reporters on the floor of the two Houses, and that the Sergeant-at-Arms be authorized to supply them with the same as soon as practicable after the adoption of this resolution.

Not agreed to.

Mr. Bradford moved to reconsider the vote just taken.

Not agreed to.

Mr. Musser gave notice that he would on to-morrow, or some subsequent day hereafter, introduce a bill to incorporate a company to construct a wagon road from Shasta city in Shasta county, to Weaverville in Trinity county.

Mr. O'Neil, chairman, made the following report :

The Committee on Engrossment have examined and find correctly engrossed, "an Act to authorize the State Treasurer to issue a duplicate Land Warrant to George W. Coffee."

Mr. Watkins gave notice that he would on to-morrow, or some early day thereafter, bring in a bill fixing the time of holding the several Courts authorized to be held by the County Judge in the county of Alameda.

Mr. Bradford gave notice that an early day, he would introduce a bill for an Act to provide for the better security of the lives and property of persons travelling on vessels, propelled, in whole or in part, by steam.

Assembly bill, an Act to provide for holding terms of the District Court in Tuolumne county.

Read second time and referred to Judiciary Committee.

Mr. Tivy, chairman, made the following report.

The Joint Committee on enrolled Bills have examined and found correctly enrolled, the following Acts :

An Act to repeal an Act to provide for the better publication of official and legal notices, approved May 3, 1853. Also,

An Act amendatory to an Act incorporating the city of Marysville, and Acts supplementary to said Act. And also,

An Act concerning the per diem of officers of the Senate and Assembly.

And that they did on yesterday present to his Excellency the Governor for his approval, an Act for the relief of the Insane Asylum.

Assembly bill, an Act fixing the time for Acts and Joint Resolutions to take effect, and to repeal an Act entitled an Act fixing the time for Acts and Joint Resolutions to take effect, passed January 24, 1850.

Read second time and referred to Judiciary Committee.

On motion, the House adjourned until 10 o'clock, to-morrow.

## HOUSE OF ASSEMBLY.

FRIDAY, February 3, 1854.

House met pursuant to adjournment.

The roll was called by the Clerk, and a quorum being present,

The Speaker *pro tem.* announced the House ready to proceed to business.

The Journal of Thursday was read and approved.

Mr. Mandeville presented a petition from sundry citizens of Tuolumne county protesting against the election of United States Senator during this session of the Legislature.

Petition read and laid upon the table.

Mr. Hubbard presented a claim of Wm. F. McLane against the State

Which, on motion, was referred to Committee on Claims.

Mr. Stemmons presented a proposition from the county officers of the county of San Joaquin and the Corporation of the City of Stockton, in reference to the removal of the Capital to that city.

Read and referred to a Select Committee of three—Messrs. Tivy, Godard and Griffith were appointed said committee.

Mr. Hunt presented an account in favor of Powell Weaver against the State for supplies to Indians.

Referred to Committee on Indian Affairs.

Mr. J. W. Park, from the delegation from Sacramento, made the following report :

The Sacramento Delegation, to whom was referred an Act concerning Constables in the City of Sacramento, with the amendments annexed ; together with an Act to declare the meaning and intention of an Act entitled an Act concerning officers, passed April 28th, 1851, respectfully report, that they have had the same under consideration, and unanimously recommend their passage.

The bills as reported were, on motion, laid upon the table.

Mr. Bradford presented two petitions, one from the ladies and the other from gentlemen of Stockton, praying for the establishment of the Maine Liquor Law in California.

Petitions, on motion, referred to a select committee heretofore created upon that subject.

Mr. Springer offered the following :

*Resolved*, The Senate concurring, that the Legislature will hold its present session in the city of Sacramento from and after the 9th day of February, 1854.

Mr. Springer moved a call of the House.

The call was sustained.

The Clerk then called the roll, and the following members were absent : Messrs Bagley, Carrillo, Hastings, Herbert, Hoff, Irwin, Spencer, Sweetland, and Mr Speaker.

On motion, further proceedings under the call were dispensed with.

Mr. Bradford moved to lay the resolution on the table.

On which motion, Messrs. McBrayer, French and Pratt demanded the yeas and nays :

Those who voted to lay upon the table were—

Messrs. Anderson, Bennett, Bowie, Bradford, Carr, Clingan, Cornwall, Daniels, Ewer, Fairfield, Gordon, Hagans, Henry, Herbert, Hubert, Hunt, Hunter, James, Jones, Kellogg, Mandeville, Musser, McDuffie, McDaniel, McGee, McKinney, Noel, Stemmons, Stowe, Tivy, Warmcastle, Watkins and Whitman—33.

Those who opposed laying upon the table were—

Messrs. Aylett, Bagley, Ballou, Bostwick, Briggs, Burton, Conness, Davidson, Dawley, French, Gilbert, Godard, Green, Griffith, Hollister, Horr, Houghtaling, Hoyt, Hubbard, Koll, Lindsey, Myres, McBrayer, McDonald, Nichols, O'Neil, F. A. Park, J. W. Park, Pratt, Purdy, Ring, Rowan, Springer, Stevenson, Sweasey, Tallmadge, Van Cleft and Whipple—38.



So the House refused to lay the resolution on the table.

Mr. Hunter offered to amend by striking out Sacramento and inserting San Jose, and demanded the yeas and nays.

Mr. French demanded the previous question.

Mr. Warmcastle moved a call of the House, and demanded the yeas and nays

Those who voted for a call were—

Messrs. Anderson, Bennett, Bowie, Bradford, Carr, Clingan, Cornwall, Dannels, Fairfield, Gordon, Hagans, Hastings, Henry, Herbert, Hubert, Hunter, James, Jones, Kellogg, Mandeville, McDuffie, McDaniel, McGee, McKinney, Noel, Stowe, Tivy, Warmcastle and Whitman—29.

Those who voted against a call of the House were—

Messrs. Aylett, Bagley, Ballou, Bostwick, Briggs, Burton, Conness, Davidson, Dawley, Ewer, French, Gilbert, Godard, Green, Griffith, Hollister, Horr, Houghtaling, Hoyt, Hubbard, Hunt, Koll, Lindsey, Musser, Myres, McBrayer, McDonald, Nichols, O'Neil, F. A. Park, J. W. Park, Pratt, Purdy, Ring, Rowan, Springer, Stemmons, Stevenson, Sweasey, Sweetland, Tallmadge, Van Cleft, Watkins and Whipple—44.

So the House refused to call the House.

Mr. Herbert moved to lay the whole matter upon the table.

The Chair decided that the previous question having been moved and seconded no other motion, save a call of the House, could be entertained.

From which decision Mr. Whitman appealed, and Mr. Warmcastle and others demanded the yeas and nays.

The Speaker then put the question—"Shall the decision of the Chair be the judgment of the House?"

Those who voted to sustain the Chair were—

Messrs. Anderson, Aylett, Bagley, Ballou, Bennett, Bostwick, Briggs, Burton, Clingan, Conness, Davidson, Dawley, Ewer, French, Gilbert, Godard, Green, Griffith, Herbert, Hoff, Hollister, Horr, Houghtaling, Hoyt, Hubbard, Hubert, Hunt, James, Jones, Koll, Lindsey, Musser, Myres, McBrayer, McDonald, McDuffie, McGee, McKinney, Nichols, Noel, O'Neil, F. A. Park, J. W. Park, Pratt, Purdy, Ring, Rowan, Springer, Stemmons, Stevenson, Stowe, Sweasey, Sweetland, Tallmadge, Tivy, Van Cleft, Watkins and Mr. Speaker—52.

Those who opposed the decision of the Chair, were

Messrs. Bowie, Bradford, Carr, Cornwall, Dannels, Fairfield, Hagans, Hastings, Henry, Hunter, Kellogg, McDaniel, Warmcastle and Whitman—14.

So the House sustained the Speaker.

The previous question was then put and sustained by a vote of the House

The yeas and nays were then demanded by Messrs. Hunter and others upon the adoption of the amendment offered by Mr. Hunter to strike out Sacramento and insert San Jose.

Those who voted to strike out and insert, were

Messrs. Anderson, Bennett, Bowie, Carr, Clingan, Cornwall, Dannels, Fairfield, Henry, Hunter, James, Kellogg, Mandeville, McDuffie, McGee, McKinney, Stowe, Warmcastle, Watkins and Whitman—20.

Those who opposed the amendment, were

Messrs. Aylett, Bagley, Ballou, Bostwick, Bradford, Briggs, Burton, Conness, Davidson, Dawley, Ewer, French, Gilbert, Godard, Green, Griffith, Hagans, Hastings, Hoff, Hollister, Horr, Houghtaling, Hoyt, Hubbard, Hubert, Hunt, Jones, Koll, Lindsey, Musser, Myres, McBrayer, McDonald, McDaniel, Nichols, Noel, O'Neil, F. A. Park, J. W. Park, Pratt, Purdy, Ring, Rowan, Springer, Stemmons, Stevenson, Sweasey, Sweetland, Tallmadge, Tivy, Van Cleft, Whipple and Mr. Speaker—53.

So the amendment was lost.

The question to adjourn to Sacramento then came up; and upon which Messrs. Myres, James and others demanded the yeas and nays:

Those who voted in favor of the resolution, were

Messrs. Aylett, Bagley, Ballou, Bostwick, Briggs, Burton, Conness, Davidson, Dawley, French, Gilbert, Godard, Green, Griffith, Hollister, Horr, Houghtaling, Hoyt, Hubbard, Koll, Lindsey, Musser, McBrayer, McDonald, Nichols, O'Neil, F. A. Park, J. W. Park, Pratt, Purdy, Ring, Rowan, Springer, Stevenson, Sweasey, Sweetland, Tallmadge, Van Cleft and Whipple—39.

Those who voted against adjourning to Sacramento, were

Messrs. Anderson, Bennett, Bowie, Bradford, Carr, Clingan, Cornwall, Dannels, Ewer, Fairfield, Gordon, Hagans, Hastings, Henry, Herbert, Hoff, Hubert, Hunt, Hunter, James, Jones, Kellogg, Mandeville, Myres, McDuffie, McGee, McKinney, Noel, Stemmons, Stowe, Tivy, Warmcastle, Watkins, Whitman and Mr. Speaker—35.

The Chair decided that according to the rules of this House it would require a two-thirds vote to adjourn longer than one day, or to any other place than Benicia. From which decision Mr. Griffith appealed.

Mr. Bradford moved a call of the House and demanded the yeas and nays:

Those who voted to sustain the call, were

Messrs. Anderson, Bowie, Bradford, Carr, Clingan, Cornwall, Dannels, Ewer, Gordon, Hagans, Hastings, Henry, Herbert, Hubert, Hunter, James, Jones, Kellogg, Mandeville, McDuffie, McDaniel, McGee, McKinney, Noel, Stowe, Tivy, Warmcastle, Watkins, Whitman and Mr. Speaker—30.

Those who opposed a call of the House, were

Messrs. Bagley, Ballou, Bennett, Bostwick, Briggs, Burton, Conness, Davidson, Dawley, Fairfield, French, Gilbert, Godard, Green, Griffith, Hoff, Hollister, Horr, Houghtaling, Hoyt, Hubbard, Hunt, Koll, Lindsey, Musser, Myres, McBrayer, McDonald, Nichols, O'Neil, F. A. Park, J. W. Park, Pratt, Purdy, Ring, Rowan,

Springer, Stemmons, Stevenson, Sweasey, Sweetland, Tallmadge, Van Cleft and Whipple—44.

So the House did not sustain the call.

Mr. Herbert moved to lay the appeal on the table and make it the special order for 12 o'clock to-morrow, and demanded the yeas and nays.

Those who voted in favor of laying on the table, were

Messrs. Anderson, Bennett, Bowie, Bradford, Carr, Clingan, Cornwall, Dannels, Ewer, Fairfield, Gordon, Hagans, Hastings, Henry, Herbert, Hoff, Hubert, Hunter, James, Kellogg, Mandeville, McDuffie, McDaniel, McGee, Noel, Stemmons, Stowe, Tivy, Warmcastle, Watkins, Whipple, Whitman and Mr. Speaker—33.

Those who voted against laying upon the table, were

Messrs. Aylett, Bagley, Ballou, Bostwick, Briggs, Burton, Conness, Davidson, Dawley, French, Gilbert, Godard, Green, Griffith, Hollister, Horr, Houghtaling, Hoyt, Hubbard, Hunt, Jones, Koll, Lindsey, Musser, Myres, McBrayer, McDonald, McKinney, Nichols, O'Neil, F. A. Park, J. W. Park, Pratt, Purdy, Ring, Rowan, Springer, Stevenson, Sweasey, Sweetland, Tallmadge and Van Cleft—41.

So the House refused to lay the appeal upon the table.

The Speaker announced that the hour of twelve had arrived, and that the special order of the day was in order, which was a bill to fix the time to elect United States Senators.

Mr. Myres moved to lay the special order on the table for the present, with a view to dispose of the removal question, and demanded the yeas and nays.

Those who voted to lay on the table were—

Messrs. Bagley, Ballou, Bostwick, Briggs, Burton, Clingan, Conness, Davidson, Dawley, Fairfield, French, Gilbert, Godard, Green, Griffith, Hoff, Hollister, Horr, Hoyt, Hubbard, Hunt, Jones, Kellogg, Koll, Lindsey, Myres, McBrayer, McDonald, Nichols, O'Neil, F. A. Jark, J. W. Park, Pratt, Purdy, Ring, Rowan, Spencer, Springer, Stevenson, Sweasey, Sweetland, Tallmadge, Tivy, and Van Cleft—44.

Those who voted against laying on the table were—

Messrs. Anderson, Aylett, Bennett, Bowie, Bradford, Carr, Cornwall, Dannels, Ewer, Gordon, Hagans, Hastings, Henry, Herbert, Houghtaling, Hubert, Hunter, James, Mandeville, Musser, McDuffie, McDaniel, McGee, McKinney, Noel, Stemmons, Stowe, Warmcastle, Watkins, Whipple, Whitman, and Mr. Speaker—32.

So the special order was laid upon the table.

Mr. Bradford moved to adjourn, and demanded the yeas and nays.

Those who voted to adjourn were—

Messrs. Anderson, Bennett, Bowie, Bradford, Clingan, Cornwall, Dannels, Ewer, Fairfield, Gordon, Hagans, Hastings, Henry, Herbert, Hunter, James,



andeville, Musser, McDuffie, McDaniel, Noel, Stemmons, Stowe, Tivy, Warmcastle, Watkins, Whipple, Whitman, and Mr. Speaker—29.

Those who voted against an adjournment were—

Messrs. Aylett, Bagley, Ballou, Bostwick, Briggs, Burton, Conness, Davidson, Dawley, French, Gilbert, Godard, Green, Griffith, Hoff, Hollister, Horr, Houghlating, Hoyt, Hubbard, Hubert, Hunt, Irwin, Jones, Kellogg, Koll, Lindsey, Myres, McBrayer, McDonald, McKinney, Nichols, O'Neil, F. A. Park, J. W. Park, Pratt, Purdy, Ring, Rowan, Spencer, Springer, Stevenson, Sweasey, Sweetland, Tallmadge, and Van Cleft—46.

So the House refused to adjourn.

The question of the appeal from the decision of the Speaker then came up, and Mr. Conness, demanded the previous question, which by a vote of the House was sustained,

And a direct vote upon the appeal was taken, upon which Messrs. Herbert and other members demanded the yeas and nays.

Those who voted to sustain the Chair were—

Messrs. Anderson, Bennett, Bowie, Bradford, Clingan, Cornwall, Dannels, Ewer, Fairfield, Gordon, Hagans, Hastings, Henry, Herbert, Hoff, Hubert, Hunter, Irwin, James, Jones, Kellogg, McDuffie, McDaniel, McGee, McKinney, Noel, Rowan, Stemmons, Stowe, Tivy, Warmcastle, Watkins, Whipple, Whitman, and Mr. Speaker—35.

Those who opposed the decision of the Chair were—

Messrs. Aylett, Bagley, Ballou, Bostwick, Briggs, Burton, Conness, Davidson, Dawley, French, Gilbert, Godard, Green, Griffith, Hollister, Horr, Houghtaling, Hoyt, Hubbard, Koll, Lindsey, Musser, Myres, McBrayer, McDonald, Nichols, O'Neil, F. A. Park, J. W. Park, Pratt, Purdy, Ring, Springer, Stevenson, Sweasey, Sweetland, Tallmadge, and Van Cleft—38.

So the decision of the Chair was overruled.

Mr. Myres moved to reconsider the vote which passed the resolution to adjourn to Sacramento.

Mr. Griffith moved to indefinitely postpone the motion to reconsider.

Agreed to.

Mr. Bowie offered the following, which was laid upon the table :

*Resolved*, By the Assembly, (the Senate concurring,) that the two Houses of the Legislature will adjourn *sine die* on the 9th of February, 1854.

Mr. Herbert moved to take from the table Assembly bill fixing the time to elect United States Senators.

Bill taken up, and moved a call of the House.

The call was sustained.

The Clerk then called the roll, and the following members were absent.

Messrs. Ashley, Carr, Carrillo, French, and Letcher.

On motion, further proceedings under the call were dispensed with.

On motion the House adjourned until 10 o'clock to-morrow.



## HOUSE OF ASSEMBLY.

SATURDAY, February 4, 1854.

House met pursuant to adjournment.

The roll was called by the Clerk, and a quorum being present the Speaker announced the House ready to proceed to business.

The Journal of Friday was read and approved.

Mr. Whitman gave notice that he would enter his solemn protest against the vote of the House, by which, on the 3d of February, 1854, the decision of the Chair, that adjournment to any other time than the day immediately succeeding, 10 o'clock A. M., required a two-thirds vote, was overruled.

Mr. Nichols presented a petition from George Alex. Smith asking to have his name changed.

Petition read and referred to the delegations of San Francisco and El Dorado.

Mr. Bradford presented a petition from Messrs. Slocum, Garnet and Wells in reference to a reduction of Ferry License.

Read and referred to Committee of Ways and Means.

Mr. Bagley, chairman, made the following report :

The Committee on State Prison, to whom was referred Assembly bill No. 41 have had the same under consideration and respectfully present herewith a substitute for said bill, and recommend its passage.

The substitute was adopted, and, on motion, laid upon the table.

The following message was received from the Governor :

*To the Senate and Assembly of California :*

I have the honor herewith to transmit a copy of the report of the agents appointed by me to select the lands donated to the State, by an Act of Congress, approved March 3, 1853, for a seminary of learning and public buildings.

The lands appurtenant to the Mission of San Luis Rey, in the county of San Diego, it will be seen, have been selected ; but the precise number of acres has not, and, perhaps, will not be ascertained, until after survey by the proper officer.

By reference to the appendix to my last Annual Message it will be seen that these lands, until released to the State by Gen. Hitchcock, were in the occupancy of the General Government—the buildings as a garrison, and the surrounding lands as pasture for animals belonging to the army.

The Act under which these lands are acquired authorizes locations to be made by individual settlers upon unsurveyed public lands, without discriminating against the State in making selections for the purposes named in the Act. It is, therefore, presumed that the fact that these lands have not been as yet surveyed cannot interfere with the rights of the State in the premises, further than to require the selec

as made to conform to sectional lines after the survey shall have been completed. In order, however, to remove all doubt or difficulty hereafter as to the title of the lands mentioned, the Legislature should adopt such measures as may be deemed advisable to cause the mission lands to be surveyed by the United States Surveyor General at the earliest practicable day.

The lands donated by the 13th section of the Act of Congress, above referred to, if directed by the Legislature, be selected in a short time and the facts duly reported.

The land already selected is, unquestionably, very valuable, and present legislation for its protection would seem to be necessary in order to secure its appropriation to the important objects for which it was donated by Congress.

JOHN BIGLER.

The communication from the State Treasurer was read, and, On motion, the message of the Governor, and the communication from the State Treasurer, were referred to the Committee on Public Lands.

Mr. Bradford offered a Concurrent Resolution requesting the Surveyor General survey the lands donated to the State of California for the establishment of seminaries as soon as practicable;

Which was adopted.

The following messages were received from the Governor :

I have this day approved an Act entitled an Act for the relief of the Insane Asylum, which originated in the Assembly.

JOHN BIGLER.

I have the honor herewith to transmit a copy of a communication from the Hon. J. A. McMeans, State Treasurer ; the suggestions it contains are cordially approved, and I trust will receive your early and favorable consideration.

JOHN BIGLER.

The communication was read, and,

On motion, 240 copies ordered to be printed, and referred to the Committee of Ways and Means. (See Appendix, Doc. No. 6.)

The following message was received from the Senate :

I am instructed to inform the Assembly that the Senate passed yesterday Assembly bill for an Act in relation to the supplies of fuel and other contingent expenses of the Legislature, with amendments as therein shown, which is respectfully returned.

JOHN Y. LIND,  
Secretary.

The amendments of the Senate were concurred in by the Assembly.

Mr. Stowe offered a Concurrent Resolution to appoint a joint committee to investigate the reasons why the interest upon the State Bonds had not been paid at maturity, which, on motion, was laid upon the table.

Mr. Griffith offered a Concurrent Resolution, offering a vote of thanks to Messrs. Sherman, Duncan & Co., of New York, for having paid the interest due by this State on her bonds.

Mr. Bowie moved to amend by striking out a part of the preamble.

Which was not agreed to.

On motion of Mr. Green, the resolution was referred to a select committee of three.

Messrs. Green, Stowe and Bowie were appointed said committee.

Mr. Stemmons gave notice that he would, at an early day, introduce a bill to amend an Act entitled an Act to establish a system of Common Schools, passed May 3, 1852.

Mr. McDuffie introduced a bill for an Act concerning Legal Proceedings in favor of and against counties.

Read a first time, and ordered to a second reading on to-morrow.

Mr. Hunter introduced a bill for an Act creating a Board of Commissioners and the office of Overseer in each township of the several counties, to regulate water courses within their respective limits.

Read a first time, and 240 copies ordered to be printed.

Mr. Sweasey introduced a bill, an Act for the protection of settlers.

Read a first time, and 240 copies ordered to be printed.

Mr. Aylett gave notice that he would, at an early day, introduce a bill for an Act regulating and prescribing the mode of making payments out of the State Treasury.

Mr. Hubert introduced a bill for an Act to amend sections 28, 29, 35 and 150 of an Act to regulate proceedings in Civil Cases, passed April 29, 1851.

Read a first time and ordered to a second reading on to-morrow.

Mr. McKinney gave notice that he would, at some future day, introduce a bill to repeal the organic law creating the Board of Supervisors, passed May 3, 1852, in and for the county of Santa Clara.

Mr. Myres introduced the following bills:

An Act authorizing the State Treasurer to make disposition of certain monies for the purpose of paying the interest on the civil bonds of the State, issued under the funding Acts of 1852 and 1853.

Read a first time, and ordered to second reading on to-morrow.

An Act explanatory of the seventh section of an Act to provide for the sale of the interest of the State of California in the property within the water line front of the city of San Francisco, as defined in and by the Act entitled an Act to provide for the disposition of certain property of the State of California, passed March 26, 1851, approved May 18, 1853.

Read a first time, and ordered to a second reading on to-morrow.

Mr. James moved to amend the Journal of yesterday by expunging a portion of the same.

Not agreed to.

Mr. Warmcastle moved to adjourn, and

Messrs. Hubbard, Green and Conness demanded the yeas and nays:

Those who voted to adjourn, were:

Messrs. Anderson, Aylett, Bennett, Bowie, Burton, Carr, Cornwall, Ewer, Gordon, Hagans, Hastings, Henry, Herbert, Horr, Houghtaling, Hunter, James, Mandeville, Musser, McDuffie, McDaniel, McGee, McKinney, Noel, Stowe, Sweetland, Warmcastle, Whipple and Whitman—29.

Those who voted against an adjournment, were:

Messrs. Ashley, Bagley, Ballou, Bostwick, Bradford, Briggs, Clingan, Conness, Dannels, Davidson, Dawley, Fairfield, French, Gilbert, Godard, Green, Griffith, Hoff, Hollister, Hoyt, Hubbard, Hubert, Hunt, Irwin, Jones, Kellogg, Kell, Myres, McBrayer, McDonald, Nichols, O'Neil, F. A. Park, J. W. Park, Pratt, Purdy.



Ring, Rowan, Spencer, Springer, Stemmons, Stevenson, Sweasey, Tallmadge, Tivy, Van Cleft, Watkins and Mr. Speaker—48.

So the House refused to adjourn.

Mr. Bradford moved to take a recess until 3 o'clock.

Mr. Conness moved to lay the motion on the table, and demanded the ayes and nays.

Those who voted to lay the motion on the table were :

Messrs. Ashley, Bagley, Ballou, Briggs, Clingan, Conness, Dannels, Davidson, Dawley, Fairfield, French, Gilbert, Godard, Green, Griffith, Hoff, Hollister, Hoyt, Hubbard, Hubert, Hunt, Irwin, Jones, Kellogg, Koll, McBrayer, McDonald, Nichols, O'Neil, F. A. Park, J. W. Park, Pratt, Purdy, Ring, Rowan, Spencer, Springer, Sweasey, Tallmadge and Van Cleft—40.

Those who voted against laying on the table were :

Messrs. Anderson, Aylett, Bennett, Bostwick, Bowie, Bradford, Burton, Carr, Cornwall, Ewer, Gordon, Hagans, Hastings, Henry, Herbert, Horr, Houghtaling, Hunter, James, Mandeville, Musser, McDuffie, McDaniel, McGee, McKinney, Noel, Stemmons, Stevenson, Stowe, Sweetland, Tivy, Warmcastle, Watkins, Whipple, Whitman and Mr. Speaker—36.

So the motion was laid upon the table.

Mr. Conness moved to take from the table the special order of the day.

Mr. James moved to lay the motion on the table and demanded the yeas and nays.

Those who voted to lay on the table were :

Messrs. Anderson, Aylett, Bennett, Bowie, Bradford, Burton, Carr, Cornwall, Ewer, Gordon, Hagans, Hastings, Henry, Herbert, Horr, Houghtaling, Hubert, Hunter, James, Lindsey, Mandeville, Musser, McDuffie, McDaniel, McGee, McKinney, Noel, Stemmons, Stevenson, Stowe, Sweetland, Tivy, Warmcastle, Whipple, Whitman and Mr. Speaker—36.

Those who voted against laying on the table were—

Messrs. Ashley, Bagley, Ballou, Bostwick, Briggs, Clingan, Conness, Dannels, Davidson, Dawley, Fairfield, French, Gilbert, Godard, Green, Griffith, Hoff, Hollister, Hoyt, Hubbard, Hunt, Irwin, Jones, Kellogg, Koll, Myres, McBrayer, McDonald, Nichols, O'Neil, F. A. Park, J. W. Park, Pratt, Purdy, Ring, Rowan, Spencer, Springer, Sweasey, Tallmadge, Van Cleft, and Watkins—42.

So the House refused to lay on the table.

Mr. Herbert moved to adjourn, and

Messrs. O'Neil, Hoff, and Green demanded the yeas and nays :



**Those who voted to adjourn were—**

Messrs. Anderson, Aylett, Bennett, Bowie, Bradford, Burton, Carr, Cornwall Ewer, Gordon, Hagans, Hastings, Henry, Herbert, Horr, Houghtaling, Hunter James, Lindsey, Mandeville, Musser, McDuffie, McDaniel, McGee, McKinney, Noel, Stemmons, Stevenson, Stowe, Sweetland, Tivy, Warmcastle, Whipple, and Whitman—34.

**Those who voted against adjourning were—**

Messrs. Ashley, Bagley, Ballou, Bostwick, Briggs, Clingan, Conness, Dannels, Davidson, Dawley, Fairfield, French, Gilbert, Godard, Green, Griffith, Hoff, Hollister, Hoyt, Hubbard, Hubert, Hunt, Irwin, Jones, Kellogg, Koll, Myres, McBrayer, McDonald, Nichols, O'Neil, F. A. Park, J. W. Park, Pratt, Purdy, Ring, Rowan, Spencer, Springer, Sweasey, Tallmadge, Van Cleft, Watkins, and Mr Speaker—44.

**So the House refused to adjourn.**

The motion to take up the order of the day was next in order, and Messrs. Herbert and other members demanded the yeas and nays :

**Those who voted to take up the order of the day were :**

Messrs. Ashley, Bagley, Ballou, Briggs, Clingan, Conness, Dannels, Davidson, Dawley, Fairfield, French, Gilbert, Godard, Green, Griffith, Hoff, Hollister, Hoyt, Hubbard, Hunt, Irwin, Jones, Kellogg, Koll, Myres, McBrayer, McDonald, Nichols, O'Neil, F. A. Park, J. W. Park, Pratt, Purdy, Ring, Rowan, Spencer, Springer, Sweasey, Tallmadge, Van Cleft, and Watkins—41.

**Those who opposed taking up the order of the day were :**

Messrs. Anderson, Aylett, Bennett, Bostwick, Bowie, Bradford, Burton, Carr, Cornwall, Ewer, Gordon, Hagans, Hastings, Henry, Herbert, Horr, Houghtaling, Hubert, Hunter, James, Lindsey, Mandeville, Musser, McDuffie, McDaniel, McGee, McKinney, Noel, Stemmons, Stevenson, Stowe, Sweetland, Tivy, Whipple, Whitman, and Mr. Speaker—36.

**So the order of the day was taken up.**

Mr. McDuffie, moved to adjourn, and Messrs. Hubbard and other members demanded the yeas and nays.

**Those who voted to adjourn were :**

Messrs. Anderson, Aylett, Bennett, Bowie, Burton, Carr, Cornwall, Ewer, Gordon, Hagans, Hastings, Henry, Herbert, Horr, Houghtaling, Hunter, James, Lindsey, Mandeville, Musser, McDuffie, McDaniel, McGee, McKinney, Noel, Stemmons, Stevenson, Stowe, Sweetland, Tivy, Warmcastle, Whipple, and Whitman—33.

**Those who voted against adjourning were :**

Messrs. Ashley, Bagley, Ballou, Bostwick, Bradford, Briggs, Clingan, Conness, Dannels, Davidson, Dawley, Fairfield, French, Gilbert, Godard, Green, Griffith,

off, Hollister, Hoyt, Hubbard, Hubert, Hunt, Irwin, Jones, Kellogg, Koll, Myres, McBrayer, McDonald, Nichols, O'Neil, F. A. Park, J. W. Park, Pratt, Purdy, Ring, Rowan, Spencer, Springer, Sweasey, Tallmadge, Van Cleft, Watkins, and Mr. Speaker. .45.

So the House refused to adjourn.

Mr. Mandeville moved to refer the bill to a Committee of the Whole House, and make it the special order for Tuesday next, at 12 o'clock, and demanded the yeas and nays.

Those who voted to make it the special order were. .

Messrs. Anderson, Aylett, Bennett, Bostwick, Bowie, Bradford, Burton, Carr, Carrillo, Cornwall, Ewer, Gordon, Hagans, Hastings, Henry, Herbert, Horr, Houghaling, Hubert, Hunter, James, Lindsey, Mandeville, Musser, McDuffie, McDaniel, McGee, McKinney, Noel, Stemmons, Stevenson, Stowe, Sweetland, Tivy, Warmastle, Watkins, Whitman, and Mr. Speaker. .38.

Those who opposed a reference were :

Messrs. Ashley, Bagley, Ballou, Briggs, Clingan, Conness, Dannels, Davidson, Dawley, Fairfield, French, Gilbert, Godard, Green, Griffith, Hoff, Hollister, Hoyt, Hubbard, Hunt, Irwin, Jones, Kellogg, Koll, Myres, McBrayer, McDonald, Nichols, O'Neil, F. A. Park, J. W. Park, Pratt, Purdy, Ring, Rowan, Spencer, Springer, Sweasey, Tallmadge, and Van Cleft. .40.

So the House refused to refer and make it the special order.

On motion of Mr. Myres, the bill was made the special order of the day in Committee of the Whole House, on the 6th day of March, at 12 o'clock.

Mr. Irwin introduced a bill, an Act to authorize Franklin Tilford to build a wharf at the end of Green street into the Bay of San Francisco.

Read first time, and ordered to a second reading on to-morrow.

On motion of Mr. Myres, the House took a recess until 4 o'clock, P. M.

FOUR O'CLOCK, P. M.

House met pursuant to adjournment.

On motion, leave of absence was granted to Mr. Bennett for five days, to Mr. Noel two days, to Mr. Hagans five days, and to Mr. French for one day.

Mr. Bradford gave notice that, on to-morrow, he would introduce a bill for an Act to establish a State Land Office.

On motion of Mr. Hoyt the House adjourned until Monday next at 3 o'clock.

## HOUSE OF ASSEMBLY.

MONDAY, February 6, 1854.

House met pursuant to adjournment.

The roll was called by the Clerk, and a quorum being present.

The Speaker announced the House ready to proceed to business.

The Journal of Saturday was read and approved.

Mr. Mandeville presented a petition from the citizens of Jamestown, Tuolumne county, protesting against the election of United States Senator by the present Legislature.

Petition read.

Mr. Watkins gave notice that he would, on to-morrow, or some early day thereafter, introduce a bill for the permanent location of the Seat of Government of California by a vote of the people.

Mr. Watkins introduced a bill for an Act fixing the time of holding the several Courts of Alameda county.

Read a first time, and ordered to a second reading on to-morrow.

Mr. Ashley gave notice that, at an early day, he would introduce a bill for an Act to amend an Act concerning the writ of Habeas Corpus.

A bill for an Act to amend an Act concerning Crimes and Punishments.

Also, a bill for an Act to authorize the Clerk of the Supreme Court to appoint Deputies.

Mr. McDonald gave notice that at an early day he would introduce a bill explanatory of an Act defining the boundaries of El Dorado county.

Mr. Ashley offered the following, which was adopted :

*Resolved*, That the Judiciary Committee be instructed to inquire into the expediency of preparing and publishing a supplement to the compiled Laws of this State, which supplement shall supply the important omissions of said compiled Laws, and shall contain the necessary errata.

Mr. Stemmons moved to take from the table a resolution to elect a chaplain.

Mr. Hunter moved to indefinitely postpone the motion to take from the table, and Messrs. Carrillo, Stemmons and others demanded the yeas and nays :

Those who voted to postpone were :

Messrs. Anderson, Ashley, Aylett, Bagley, Ballou, Carr, Carrillo, Cornwall, Ewer, French, Hubbard, Hunter, Jones, Kellogg, Koll, Letcher, McDuffie, McKinney, O'Neil, F. A. Park, Rowan, Sweasey, Tivy and Watkins—24.

Those who voted against indefinite postponement were :

Messrs. Bostwick, Bowie, Bradford, Briggs, Dannels, Fairfield, Godard, Hastings, Fry, Herbert, Hollister, Houghtaling, Hoyt, James, Lindsey, Mandeville, Musser, Brayer, McDonald, McDaniel, Ring, Springer, Stemmons, Sweetland, Tallmadge, Pipple, Whitman and Mr. Speaker—28.

o the House refused to indefinitely postpone.

The House then by a vote took from the table the resolution, and On motion of Mr. Watkins, the resolution was made the special order for Wednesday next at 12 o'clock.

Mr. Ashley introduced a bill for an Act to amend an Act concerning the office of Public Administrator, and making it elective, passed April 15, 1851.

Read a first time, and ordered to a second reading on to-morrow.

On motion the House adjourned until 10 o'clock to-morrow.

## HOUSE OF ASSEMBLY.

TUESDAY, February 7, 1854.

House met pursuant to adjournment.

The roll was called by the Clerk, and a quorum being present the House proceeded to business.

The Journal of Monday last was read, amended and approved.

On motion, leave of absence was granted to Mr. Clingan for one day, to Mr. Steenson for one week, to Mr. Warmcastle for one day, to Mr. Conness for four days, and to Mr. Hunt for two days.

Mr. Ballou made the following report :

The El Dorado delegation, to whom was referred Senate bill No. 24, for An Act to change the name of William Alexander Smith to Amor De Cosmos, beg leave to report,

That they have had the subject under consideration, and having good and sufficient reasons adduced to satisfy them of the justness of the proposed change of name, have the honor to report the bill back to the House and recommend its passage.

The bill was then taken up for a third reading, and upon its final passage Messrs. Ashley, Jones and Hubbard demanded the yeas and nays.



Those who voted for the passage of the bill were—

Messrs. Anderson, Bagley, Ballou, Bostwick, Bowie, Bradford, Briggs, Carrillo, Cornwall, Dannels, Davidson, Dawley, Ewer, Fairfield, French, Gilbert, Godard, Gordon, Green, Griffith, Hastings, Henry, Hoff, Hollister, Houghtaling, Hoyt, James, Kell, Letcher, Mandeville, McDonald, McGee, McKinney, O'Neil, J. W. Park, Pratt, Springer, Stemmons, Tallmadge, Whitman, and Mr. Speaker—41.

Those who voted against the passage of the bill were—

Messrs. Ashley, Aylett, Burton, Carr, Hubbard, Hunter, Jones, Kellogg, Lindsey, Musser, McBrayer, McDuffie, McDaniel, F. A. Park, Purdy, Ring, Stow, Sweasey, Watkins, and Whipple—20.

So the bill passed.

Mr. Griffith offered the following, which was adopted :

*Resolved*, That the Sergeant-at-Arms be directed to furnish each member of this Assembly with the California Farmer, a weekly agricultural paper published in San Francisco.

Assembly bill No. 92, An Act fixing the time of holding the several Courts of Alameda county.

Read a second time, and referred to the Judiciary Committee.

Assembly bill No. 93, An Act to amend an Act concerning the office of Public Administrator, and making it elective, passed April 15, 1851.

Read a second time, and referred to Judiciary Committee.

Assembly bill No. 87, An Act to amend sections 28, 29, 35 and 156 of an Act to regulate proceedings in Civil Cases, passed April 29, 1851.

Read a second time, and referred to Judiciary Committee.

Assembly bill No. 88, An Act concerning legal proceedings in favor of and against counties.

Read a second time and referred to Judiciary Committee.

Assembly bill No. 91, An Act authorizing the State Treasurer to make disposition of certain moneys for the purpose of paying the interest on the Civil Bonds of the State, issued under the Funding Acts of 1852 and 1853.

Read a second time, and referred to Committee of Ways and Means.

Assembly bill No. 90, An Act explanatory of the 9th section of an Act to provide for the sale of the interest of the State of California in the property within the water line front of the city of San Francisco, as defined in and by the Act entitled An Act to provide for the disposition of certain property of the State of California, passed March 26, 1851.

Read a second time, referred to Committee of Ways and Means, and 240 copies ordered to be printed.

Assembly bill No. 84, An Act to amend the 4th and 5th sections of an Act concerning Estray Animals, passed May 1, 1851.

Read a second time, and referred to Committee on Agriculture.

Assembly bill No. 39, An Act to amend an Act concerning Crimes and Punishments, passed April 16, 1850.

Read a second time, and referred to Judiciary Committee.

Assembly bill No. 89, An Act to authorize Franklin Tilford to build a wharf at the end of Green street into the Bay of San Francisco.

Read a second time, and referred to Committee on Commerce, and 240 copies ordered to be printed.

Assembly bill No. 48, An Act in relation to an Act defining the time of commencing Civil Actions in certain cases, approved May 4, 1852.

On motion, laid upon the table.

Assembly bill No. 79, An Act to provide for the selection of lands donated by United States to the State of California.

Read a second time, and referred to Committee on Public Lands.

Assembly bill No. 53, An Act to regulate Fees in Office.

Read a second time, and referred to a select committee of five.

Messrs. Griffith, Warmcastle, French, Bradford and Bostwick were appointed said committee.

On motion of Mr. McBrayer, Assembly bill No. 75, An Act to declare the meaning and intention of an Act entitled An Act concerning Officers, passed April 2, 1851, was taken from the table,

Considered as engrossed, read a third time, and passed.

On motion of Mr. McBrayer, Assembly bill No. 74, An Act concerning Constables in the city of Sacramento, was taken from the table,

And ordered to be engrossed for a third reading on to-morrow.

On motion of Mr. Bradford, the first Standing Rule of the Assembly was amended as follows :

Strike out " 10 o'clock," and insert " meeting." Add to the rule, " the House shall meet daily at 12 o'clock, until otherwise ordered."

Mr. Gordon presented a petition from sundry citizens of the counties of Calaveras and El Dorado, praying for a new county to be formed out of portions of the territory of those two counties to be called Washington county.

Petition referred to Committee on Counties and County Boundaries.

Mr. Ashley introduced a bill, an Act to amend an Act concerning Crimes and Punishments, passed April 16, 1850.

Read a first and second time and 240 copies ordered to be printed.

Mr. McBrayer offered a Concurrent Resolution, inviting the Senate to meet in the hall of the House immediately for the purpose of the inauguration of the Lieutenant Governor.

Resolution adopted.

Mr. Tivy, chairman, made the following report :

The Joint Committee on Enrollment have examined, and find correctly enrolled, an Act in relation to the Contingent Expenses of the Legislature.

Also, an Act to fix the compensation of the County Judge of Tulare county.

Mr. Ashley introduced a bill, an Act to amend an Act concerning the writ of Habeas Corpus, passed April 20, 1850.

Read first time and ordered to a second reading on to-morrow.

On motion of Mr. Myres, Assembly bill No. 40, an Act to repeal section one and two of an Act to amend an Act entitled an Act concerning Crimes and Punishments, passed April 22, 1851, was taken from the table, and made the special order for Tuesday next at 1 o'clock.

The following message was read from the Senate :

MR. SPEAKER :

I am instructed to inform the Assembly that the Senate have concurred in Assembly Resolution to meet in Convention immediately for the purpose of inaugurating the Lieutenant Governor.

JOHN Y. LIND,  
Secretary.

The two Houses assembled in the hall of the House for the purpose of the inauguration of the Lieutenant Governor.

On motion of Mr. Sawyer, a committee of two from each House were appointed to wait upon the Lieutenant Governor and inform him that the two Houses were now ready to have the oath of office administered.

Messrs. Sawyer and Coffroth on the part of the Senate, and Messrs. Tallmadge and Stemmons on the part of the House, were appointed said committee.

On motion of Mr. Sprague, Judge Winston was invited to administer the oath of office to the Lieutenant Governor.

Lieutenant Governor Purdy appeared and was qualified, whereupon the President of the Senate declared him Lieutenant Governor for the next two years, and declared the Convention dissolved, and the Senate withdrew.

Mr. Bostwick offered the following, which was adopted, and

Messrs. Bostwick, Tallmadge and Myres were appointed said committee.

*Resolved*, That a committee of three be appointed to inquire into the cause of the failure, on the part of W. M. Eddy, Esq., late Surveyor General of the State to furnish *certain persons* with an official map of the State, in accordance with the provisions of an Act entitled an Act to provide for the publication and distribution of the Official Map of the State as compiled by the Surveyor General, approved March 25, 1853.

On motion of Mr. O'Neil, the House adjourned until 12 o'clock to-morrow.

## HOUSE OF ASSEMBLY.

WEDNESDAY, February 8, 1854.

House met pursuant to adjournment.

The roll was called by the Clerk, and a quorum being present, the Speaker announced the House ready to proceed to business.

The Journals of Tuesday was read and approved.

On motion, leave of absence was granted to Mr. Green for four days; to Mr. Briggs for one day; and to Mr. Scobey, Assistant Clerk, for four days.

A resolution, which had been set as the special order of the day for 12 o'clock to-day, in reference to the appointment of a Chaplain, was taken up for consideration.

Mr. F. A. Park moved to indefinitely postpone the resolution, and

Messrs. Watkins, Hubbard and Mandeville demanded the yeas and nays.

Those who voted to postpone were—

Messrs. Anderson, Ashley, Bagley, Ballou, Carr, Carrillo, Clingan, Cornwall, Dawley, Ewer, Gilbert, Griffith, Hoff, Hubert, Hunt, Hunter, Jones, Kellogg, Koll, Letcher, Myres, McDuffie, McGee, O'Neil, F. A. Park, J. W. Park, Purdy, Rowan, Stowe, Sweasey, Tivy, Warmcastle and Watkins—33.

Those who opposed postponement were—

Messrs. Aylett, Bostwick, Bowie, Bradford, Burton, Dannels, Fairfield, Godard, Gordon, Hastings, Henry, Herbert, Hollister, Houghtaling, Hoyt, Hubbard, James, Lindsey, Mandeville, Musser, McBrayer, McDonald, McDaniel, Nichols, Noel, Pratt, Ring, Springer, Stemmons, Sweetland, Tallmadge, Van Cleft, Whipple, Whitman and Mr. Speaker—53.

So the House refused to postpone indefinitely.

Mr. Griffith moved a call of the House.

The call was not sustained.

Upon the final vote of the resolution, Messrs. Stemmons, Mandeville and James demanded the yeas and nays.

Those who voted for the resolution were:

Messrs. Bostwick, Bowie, Burton, Dannels, Fairfield, Godard, Gordon, Hastings, Hubert, Hollister, Houghtaling, Hoyt, Hubbard, James, Lindsey, Mandeville, Musser, McBrayer, McDonald, McDaniel, Nichols Noel, Pratt, Ring, Springer, Stemmons, Sweetland, Tallmadge, Van Cleft, Whipple and Mr. Speaker—32.



Those who opposed the passage of the resolution were :

Messrs. Anderson, Ashley, Ballou, Carr, Clingan, Cornwall, Dawley, Ewer, Gilbert, Griffith, Henry, Herbert, Hoff, Hubert, Hunt, Hunter, Irwin, Jones, Kellogg, Koll, Letcher, Myres, McDuffie, McGee, McKinney, O'Neil, F. A. Park, J. W. Park, Purdy, Rowan, Sweasey, Tivy, Warmcastle, Watkins and Whitman—36.

So the House refused to pass the resolution.

Mr. Carrillo presented a petition from sundry citizens of Santa Barbara county, praying for a new map to be made of the lower part of the State of California.

Read and referred to Committee of Ways and Means.

Mr. Bostwick presented a petition from many citizens of Nevada, praying for the passage of the Maine Liquor Law.

Read and referred to special committee heretofore created upon the subject.

Mr. Watkins, chairman, made the following report :

The Committee of Corporations, to whom was referred the petition of George W. Ellis and others, praying for the privilege of using the hydraulic power of Mission Creek. And of William Edgar, praying the right to build a dam across Elk River, have had the same under consideration, and instructed me to report bills herewith in accordance with the prayers of said petitions.

The committee have also had under consideration Assembly bills Nos. 66 and 67 to them referred, and have instructed me to report them back without amendment.

And for Assembly bill, No. 59, to them referred for consideration, they have instructed me to report a substitute ; the reception of all of which is respectfully submitted to the pleasure and direction of the House.

Mr. Watkins, chairman of Committee on Corporations, introduced the following bills :

An Act, 97, granting to G. W. Ellis and others the right to use the hydraulic power of Mission Creek for milling purposes.

Read a first time, and 240 copies ordered to be printed.

A bill, 96, an Act granting to William Edgar the right to erect a dam across Elk River.

Read a first time, and ordered to a second reading on to-morrow.

Assembly bill, 66, an Act to incorporate Crescent City, reported back from Committee on Corporations.

On motion, laid upon the table.

Mr. McBrayer moved a call of the House.

The call was sustained.

The clerk called the roll, and the following members were absent :

Messrs. Aylett, Bradford, Dawley, Fairfield, Hunt, James, Letcher, Lindsey, Mandeville, Musser, McDonald, F. A. Park, Stemmons and Whipple.

On motion, the Sergeant-at-Arms was dispatched after absent members.

On motion, Messrs. Letcher and Dawley were admitted within the hall of the House and were excused.

Mr. Ashley moved to dispense with farther proceedings under the call.

Not agreed to.

On motion, Mr. Hunt was admitted within the hall of the House and excused.

Mr. French moved to dispense with farther proceedings under the call.

Not agreed to.

On motion, Mr. Whipple was admitted within the hall of the House, and the House refused to excuse him.

Mr. Bowie moved to dispense with farther proceedings under the call.

Agreed to.

Assembly bill, No. 67, an Act to amend the first section of an Act to provide for the the formation of Corporations for certain purposes, approved April 14, 1853, reported back by Committee on Corporations.

Read a third time, and, upon motion, laid upon the table.

On motion of Mr. Dawley, the House adjourned until 12 o'clock to-morrow.

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## HOUSE OF ASSEMBLY.

THURSDAY, February 9, 1854.

House met pursuant to adjournment.

The roll was called by the Clerk, and a quorum being present,

The Speaker announced the House ready to proceed to business.

The Journal of Wednesday was read and approved.

On motion, leave of absence was granted to Mr. French until Tuesday next.

Mr. Herbert, chairman, made the following report :

The Committee of Ways and Means, to whom was referred the petition of G. J. Slocum, James M. Garnett and John A. Witty, residents of San Joaquin county, beg leave to report it back to the House, and ask to be excused from the farther consideration of the same.

On motion of Mr. Herbert, the petition was referred to the delegation from San Joaquin.

Mr. Myres, chairman, made the following report :

The Judiciary Committee have had under consideration Assembly bill No. 83, entitled An Act fixing the time for Acts and Joint Resolutions to take effect, and to repeal an Act entitled an Act fixing the time for Acts and Joint Resolutions to take effect, passed January 24, 1850, and recommended its passage.

Also, Assembly bill, No. 82, entitled An Act to provide for holding terms of the District Court in Tulare county, the passage of which the committee recommend.

Also, Senate bill No. 22, for an Act to authorize the release of John G. Bircham and his sureties from a recognisance and judgment, and recommend its indefinite postponement.

Also, Assembly bill No. 10, entitled an Act to declare exempt from forced sale, under execution or other process, certain property of the several counties of this State, the passage of which the committee recommend.

Assembly bill, No. 83, reported by Judiciary Committee on its third reading.

Mr. Ashley offered to amend the first section by striking out "the adjournment of the Legislature passing such Acts and Joint Resolutions," and insert "after the passage of the same."

Not agreed to.

The bill was then considered as engrossed, read a third time and passed.

Assembly bill No. 82, reported by Judiciary Committee, considered as engrossed, read a third time and passed.

Assembly bill, No. 22, reported back by the Judiciary Committee, considered as engrossed.

Read a third and passed.

Mr. Griffith made the following report :

A majority of the Committee on Public Lands, to whom was referred the special message of the Governor and accompanying papers, relative to the conveyance of that certain block of land, in the City of San Francisco, known as the Custom House Block, to the United States, have had the same under consideration, and beg leave to report the following bill and recommend its passage.

An Act to authorize the Governor of this State to convey certain property in the city and county of San Francisco to the United States.

Read a first time, and 240 copies ordered to be printed.

Mr. O'Neil, chairman, made the following report :

The Committee on Engrossment have examined, and find correctly engrossed, An Act concerning Constables in the city of Sacramento ;

Also, An Act to declare the meaning and intention of an Act entitled An Act concerning Officers, passed April 28, 1851.

Mr. Mandeville gave notice that he would, in a few days, introduce a bill for an Act for the better development of the mineral resources of California.

Mr. Bostwick gave notice that he would, on to-morrow, move to change the first Standing Rule of the House, so as to fix the hour of meeting at "eleven" instead of "twelve" o'clock.

The following message was received from the Governor.

I have this day approved the following Acts which originated in the Assembly, to wit :

An Act in relation to the Contingent Expenses of the Legislature.

An Act to fix the compensation of the County Judge of Tulare county, and to repeal, in part, the first section of An Act to fix the compensation of County Judges

and Associate Justices of the Court of Sessions, and to repeal a like Act, passed April 22, 1850.

JOHN BIGLER.

Mr. Tivy, chairman, made the following report :

The Joint Committee on Enrolled Bills report, that on the 7th instant they submitted to the Governor for his approval An Act in relation to the Contingent Expenses of the Legislature ;

Also, An Act to fix the compensation of the County Judge of Tulare county.

The following message was received from the Senate.

I am instructed to inform the Assembly, that on yesterday the Senate passed a bill for an Act to authorize the Court of Sessions of the county of Sacramento to levy and collect a special tax for the support and maintenance of the Indigent Sick of said county ;

And a Concurrent Resolution granting leave of absence from the State to Thomas W. Dawson, County Clerk of Shasta county.

And that they have this day passed a bill for an Act declaring the consent of the State of California to the purchase by the United States of Signor or Mare Island, to relinquish the title and interest of the State in overflowed portions of said Island, and to vest the jurisdiction over the same in the United States for the purposes therein specified ; all of which is respectfully submitted.

JOHN Y. LIND,  
Secretary.

Senate bill, No. 1, above described, granting to the United States the jurisdiction over Mare Island.

Read a first time and ordered to a second reading on to-morrow.

Senate Concurrent Resolution granting leave of absence to the County Clerk of Shasta county, taken up for adoption.

When Messrs. Mandeville, Hubbard, and other members demanded the yeas and nays :

Those who voted for the resolution were :

Messrs. Anderson, Ashley, Aylett, Ballou, Bradford, Briggs, Carr, Carrillo, Cornwall, Dawley, Fairfield, Godard, Gordon, Griffith, Hagans, Hastings, Hollister, Horr, Houghtaling, Hoyt, Hubbard, Hubert, Hunt, James, Koll, Mandeville, Musser, Myres, McBrayer, McDonald, McDuffie, Nichols, Noel, O'Neil, F. A. Park, J. W. Park, Pratt, Purdy, Ring, Rowan, Spencer, Springer, Stemmons, Stowe, Sweetland, Tallmadge, Tivy, Warmcastle, Watkins, Whitman and Mr. Speaker—53.

Those who opposed the resolution were—

Messrs. Bagley, Bostwick, Bowie, Burton, Clingan, Dannels, Henry, Herbert, Hoff, Jones, Letcher, Lindsey, McDaniel, McGee, McKinney, Sweasey and Van Cleft—17.

So the resolution passed.

Senate bill, No. 31, for an Act to authorize the Court of Sessions of Sacramento county to levy and collect a special tax for the support and maintenance of the Indigent Sick of that county.



Read a first and second time, and ordered to a third reading on to-morrow.

The Speaker laid before the House a communication from O. M. Wozencraft, former Indian Commissioner for this State.

Communication read and referred to the Committee on Military Affairs.

The Speaker also laid before the House a communication from Thomas Francis Meagher, in answer to an invitation extended by the Assembly through the Speaker to deliver a Lecture at the Capital.

The communication was read.

Substitute to Assembly bill, No. 59, an Act granting a charter to S. C. Fugitt for a Toll Bridge across Dry Creek.

On its third reading, on motion laid upon the table.

Assembly bill, No. 74, an Act concerning Constables in the city of Sacramento.

Read a third time and passed.

Assembly bill, No. 95, an Act to amend an Act concerning the writ of Habeas Corpus, passed April 20, 1850.

Read a second time and referred to Judiciary Committee.

Assembly bill, No. 96, an Act granting to Wm. Edgar the right to erect a Dam across Elk River.

Read a second time, and referred to Committee on Corporations.

On motion of Mr. Kellogg, the report of the Quarter Master and Adjutant General was referred to Committee on Military Affairs.

Mr. Van Cleft offered the following, which was laid upon the table.

*Resolved*, That the Sergeant-at-Arms is hereby instructed to dispense with all the unnecessary help under his charge.

On motion, Mr. Briggs was added to the special committee heretofore created in reference to the Maine Liquor Law.

Mr. Bradford gave notice that on to-morrow, or some subsequent day, he would introduce a bill for an Act for the reclamation of the Overflowed and Swamp Lands of this State.

Mr. Ashley introduced a bill for an Act to authorize the Clerk of the Supreme Court of this State to appoint Deputies.

Read a first time and ordered to a second reading on to-morrow.

Mr. Hubert gave notice that, at an early day, he would introduce a bill for an Act to re-incorporate the city of San Francisco.

Mr. Tallmadge offered the following, which were adopted.

*Resolved*, That the Committee on Military Affairs be instructed to report a bill for the better regulation of the Militia of this State.

*Resolved*, That the Secretary of State be, and is hereby requested to furnish this Assembly with a copy of the proposals, made in conformity to, and under the Act to provide for Public Printing, passed April 29, 1852, on which the contract for Public Printing was awarded; and also a copy of the contract with V. E. Geiger & Co., and G. K. Fitch & Co., alluded to in Joint Resolution, approved February 3, 1853, for the information of the Legislature.

On motion of Mr. Griffith, the House adjourned until 12 o'clock to-morrow.

## HOUSE OF ASSEMBLY.

FRIDAY, February 10, 1854.

House met pursuant to adjournment.

The roll was called by the Clerk, and a quorum being present the Speaker announced the House ready to proceed to business.

The Journal of Thursday was read and approved.

On motion, leave of absence was granted to Mr. Ewer indefinitely, in consequence of ill health; to Mr. Whipple for two days; to Mr. Clingan for two days; to Mr. Gilbert for four days; to Mr. Myres for six days, and to Mr. Hoff for one day.

Mr. Watkins presented a petition from sundry citizens of Alameda county, praying for the passage of a law to declare San Antonio creek a public highway.

Read and referred to Committee on Commerce and Navigation.

Mr. McGee presented a petition from many citizens of Butte county, praying for division of the county.

Petition read and referred to Committee on Counties and County Boundaries.

Mr. Myres, chairman, made the following report:

The Judiciary Committee herewith report back to the House, Assembly bill No. 39, entitled an Act to amend an Act concerning Crimes and Punishments, passed April 16, 1850, having previously considered the same and reported favorably to its passage.

Pursuant to a resolution of the Assembly, instructing the Judiciary Committee to inquire into the expediency of amending an Act to regulate proceedings in Criminal Cases, passed May 1, 1851, so as to give the counsel for the people the closing argument in all cases, herewith report a bill proposing such amendments to the above entitled Act, and respectfully recommend its passage.

Assembly bill No. 39, reported back by Judiciary Committee.

On motion, made the special order of the day for next Tuesday week, at 12 o'clock.

Mr. Myres, from Judiciary Committee, introduced a bill for an Act to amend an Act entitled an Act to regulate proceedings in Criminal Cases, passed May 1, 1851.

Read first time and ordered to a second reading on to-morrow.

Mr. Dannels made the following report:

The Committee on Indian Affairs have had under consideration a bill for an Act to be entitled an Act to prevent the sale of fire-arms and ammunition to Indians in this State.

They recommend that the words "for Common School purposes" in section second be stricken out, and the words "as a part of the General Fund," be inserted—and the passage of the bill.

The amendment not agreed to.

The bill was then considered as engrossed, read a third time and passed.

Mr. O'Neil, chairman, made the following report :

The Committee on Engrossment have examined and find correctly engrossed, an Act fixing the time for Acts and Joint Resolutions to take effect ; and to repeal an Act entitled an Act fixing the time for Acts and Joint Resolutions to take effect passed January 24, 1850.

Also, an Act to provide for holding terms of the District Court in Tular county.

Also, an Act to declare exempt from forced sale, under execution or other process, certain property of the several counties of this State.

The following message was received from the Governor :

BENICIA, February 3, 1854.

I have this day approved an Act entitled an Act amendatory to an Act incorporating the city of Marysville, and Acts supplementary to said Acts.

Also, of this date, I have this day approved an Act which originated in the Assembly, entitled an Act to provide for the better publication of Official and Legal Notices, approved May, 1853.

JOHN BIGLER.

Mr. Herbert offered the following :

*Resolved*, By the Assembly, the Senate concurring, that the Sergeant-at-Arms be directed to furnish the Reporters of each House with a copy of the Codified Laws subject to the laws of the State Library.

Adopted.

The following message was received from the Senate :

I am instructed to inform the Assembly that, on yesterday, the Senate passed the following Assembly bills.

An Act to authorize the State Treasurer to issue a duplicate Land Warrant to George W. Coffee ; and

An Act to provide for the restoration of certain books, records, maps and papers to Humboldt county, now held by Trinity county, with an amendment as therein shown.

The Senate also passed a bill for an Act to protect the bodies of deceased persons and Public Grave Yards, and a Concurrent Resolution to adjourn *sine die* upon the 15th day of April next, in which the concurrence of the Assembly is respectfully asked.

JOHN Y. LIND, Secretary.

Senate amendment to Assembly bill No. 7, in reference to a restoration of books, maps, &c. to Humboldt county,

Concurred in.

Senate bill No. 33, in reference to the protection of the bodies of deceased persons.

Read first time and referred to Committee on Hospitals.

Senate Concurrent Resolution to adjourn on the 15th April.

On motion, laid upon the table.

Mr. Purdy gave notice that, at an early day, he would introduce a bill authorizing the city of San Francisco to construct Wharves and Piers in front of said city.

Mr. Stowe offered the following, which was adopted :

*Resolved*, That his Excellency the Governor be, and he is hereby requested, to transmit to the Assembly any and all communications which he received by the last mail from the Atlantic States, relating to the payment of the interest Coupons against this State, due in New York City on the 1st of January, 1854.

Mr. Dawley offered the following, which was adopted :

*Resolved*, That the State Treasurer be requested to inform the Assembly whether the city of San Francisco has paid into the Treasury the twenty-five per cent. due on the sale of Water Lot property in said city; and also furnish the House with all the information in his possession on the subject.

Mr. Bostwick, agreeable to notice, moved to amend the first rule of this House by striking out "twelve o'clock" and inserting "eleven."  
Agreed to.

Mr. Tallmadge offered the following, which was adopted :

*Resolved*, That the Comptroller be, and is hereby requested to furnish a report, for the information of the Assembly, of amount of bills audited for Public Printing, viz :

*First* : Amount audited for Legislative Printing for the year 1853.

*Second* : Amount audited for Printing Laws, and Assembly and Senate Journals for 1853, and number of copies of each.

*Third* : Amount audited for folding, and for folding and Stitching Laws and Journals for 1853.

*Fourth* : Amount audited for Executive Printing, and printing for State Offices for 1853.

*Fifth* : Total amount audited for Public Printing under any contract or order for 1853, and whether there is now any outstanding claims not *audited* for Public Printing during said year of 1853.

On motion of Mr. Mandeville, the bill to fix the pay of State Officers and the per diem of members of the Legislature was taken from the table.

And on motion of Mr. Griffith, the House resolved itself into Committee of the Whole, Mr. Myres in the chair, to consider the bill. After making sundry amendments thereto,

On motion of Mr. Bostwick, the committee rose, reported the bill back, and recommended that it be referred to a special committee, and asked to be discharged from the further consideration of the same.

The committee was discharged.

On motion of Mr. Ashley, the bill was referred to a special committee of five.

Messrs. Ashley, Gordon, James, Myres and Bradford were appointed said committee.

On motion, Senate bill No. 22, to release J. G. Bircham and his sureties, was taken from the table ; and,

On motion of Mr. Conness, referred to Judiciary Committee.



On motion of Mr. Mandeville, Joint Resolution in relation to mail service was taken from the table.

On motion, the third amendment of the Senate to add the words "Port Orford" was concurred in.

The fourth amendment of the Senate, an additional resolution, was not concurred in.

Mr. Stowe moved that a committee of conference be appointed.

Agreed to, and Messrs. Stowe, Conness and Bowie were appointed.

Mr. McDonald introduced a bill for an Act to divide the counties of Calaveras and El Dorado, and forming a new county therefrom to be called Washington.

Read first time and ordered to a second reading on to-morrow.

The following reports were made by members from the Judiciary Committee :

A part of the Judiciary Committee respectfully report : That having duly considered Assembly bill No. 21, an Act to provide for the formation of Chattel Mortgages, are of opinion that such an enactment as is contemplated by the above entitled bill would tend greatly to the embarrassment of trade in its general effect, without securing corresponding benefits or contributing to the convenience of the people in the State.

The undersigned, therefore, recommend that the bill be indefinitely postponed.

MYRES,  
C. E. CARR,  
A. C. BRADFORD.

The undersigned, members of the Judiciary Committee, respectfully report that they have had under consideration Assembly bill No. 21, entitled an Act to provide for the formation of Chattel Mortgages, and have made sundry amendments thereto, in which they ask the concurrence of the House, and recommend its passage as amended.

J. C. JONES,  
D. R. ASHLEY,  
T. M. WARMCASTLE.

On motion, the bill reported by the Judiciary Committee was laid upon the table.

Mr. Mandeville introduced a bill for an Act for the better development of the Mineral Resources of California.

Read a first time, and 240 copies ordered to be printed.

Mr. Conness moved to take a recess for one hour.

Not agreed to.

On motion of Mr. Whitman, the House adjourned until 11 o'clock to-morrow.

## HOUSE OF ASSEMBLY.

SATURDAY, February 11, 1854.

House met pursuant to adjournment.

The roll was called by the Clerk, and a quorum being present,  
The Speaker announced the House ready to proceed to business.  
The Journal of Friday was read and approved.

Mr. McDaniel presented a protest from sundry citizens of Calaveras against a division of that County.

Read and referred to Committee on Counties and County Boundaries.

Mr. Watkins made the following report :

The Committee of Corporations, to whom was referred Assembly bill, No. 96, granting to Mr. Edgar, the right to erect a Dam across Elk River, have had the same under consideration, and instructed me to report it back without amendment and recommend its passage.

The following messages was received from the Governor :

In compliance with a resolution which passed the Assembly on the 10th inst., requesting the "Governor to transmit to the Assembly any and all communications which he received by the last mail from the Atlantic States, relating to the payment of the interest coupons against this State, due in New York City on the 1st of January, 1854." I have the honor herewith to transmit a copy of the only communication received.

JOHN BIGLER.

On motion the communication was referred to the special committee upon the subject matter.

Mr. O'Neil made the following report :

The Committee on Engrossment have examined, and find correctly engrossed an Act to prevent the sale of fire arms and ammunition to Indians in this State.

Mr. Tallmadge offered a Concurrent Resolution to suspend the publication of the Laws and Journals until further ordered by the Legislature.

A motion was made to refer the resolution to the Committee on Public Printing, and

Messrs. Bagley, Hubbard, and other members demanded the yeas and nays :

Those who voted to refer were—

Messrs. Aylett, Bowie, Burton, Henry, Horr, Hubert, Lindsey, Mandeville, Mc-

Duffie, McDaniel, McGee, J. W. Park, Spencer, Stemmons, Sweetland, Warmcastle and Whitman—17.

Those who opposed a reference were—

Messrs. Anderson, Ashley, Bagley, Ballou, Bennett, Bostwick, Briggs, Carr, Carrillo, Conness, Dannels, Dawley, Fairfield, Godard, Gordon, Griffith, Hagans, Hollister, Hoyt, Hubbard, Hunt, Hunter, James, Jones, Kellogg, Koll, Letcher, McBrayer, McDonald, McKinney, Noel, O'Neil, F. A. Park, Purdy, Ring, Springer, Stevenson, Stowe, Sweasey, Tallmadge, Tivy, Van Cleft and Watkins—43.

So the resolution was not referred to the Committee on Printing.

Mr. Stowe moved to amend by striking out "laws" where it occurs in the resolution, and

Messrs. Hubbard, J. W. Park and Jones demanded the yeas and nays :

Those who voted for striking out were—

Messrs. Aylett, Bowie, Gordon, Henry, Hunter, McDuffie, McGee, McKinney, J. W. Park, Spencer, Stemmons, Stowe and Whitman—13.

Those who opposed striking out were—

Messrs. Anderson, Ashley, Bagley, Ballou, Bennett, Bostwick, Briggs, Burton, Carr, Carrillo, Conness, Dannels, Dawley, Fairfield, Godard, Griffith, Hagans, Horr, Hoyt, Hubbard, Hubert, Hunt, James, Jones, Kellogg, Koll, Letcher, Lindsey, Mandeville, McBrayer, McDaniel, Nichols, Noel, O'Neil, Purdy, Ring, Springer, Stevenson, Sweasey, Sweetland, Tallmadge, Tivy, Van Cleft and Watkins—45.

So the House refused to strike out.

Mr. Stowe moved the previous question.

The previous question was sustained.

The main question was then put, and Messrs. Hubbard and other members demanded the yeas and nays.

Those who voted for the passage of the resolution were—

Messrs. Anderson, Ashley, Bagley, Ballou, Bennett, Bostwick, Bowie, Briggs, Burton, Carr, Carrillo, Conness, Dannels, Dawley, Fairfield, Godard, Gordon, Griffith, Hagans, Hollister, Horr, Hoyt, Hubbard, Hubert, Hunt, Hunter, James, Jones, Kellogg, Koll, Letcher, Lindsey, Mandeville, McBrayer, McDonald, McDaniel, McGee, Noel, O'Neil, F. A. Park, Purdy, Ring, Springer, Stemmons, Stowe, Sweasey, Tallmadge, Tivy, Van Cleft, Watkins, and Whitman—51.

Those who opposed its passage were :

Messrs. Aylett, Henry, McDuffie, McKinney, Nichols, J. W. Park, Spencer, Sweetland, and Warmcastle—9.

So the resolution passed.

Mr. Stowe gave notice that he would introduce, at an early day, a bill to amend an Act entitled an Act to provide for the Public Printing, passed April 29, 1852

Mr. Dawley offered the following :

*Resolved*, That the Sergeant-at-Arms be directed to procure the latest official Map of the city of San Francisco for the use of members of this House, and pay for the same out of the Contingent Fund.

Mr. Hubbard moved to amend by inserting six maps instead of one.

Not agreed to.

The resolution was then adopted.

Mr. Whitman offered the following :

*Resolved*, That the Assembly, through their Clerk, tender to Madame Anna Bishop the hall of the House, on any evening that may suit her convenience, for the purpose of giving a concert.

Mr. Jones moved to indefinitely postpone the resolution.

Not agreed to.

Mr. Jones moved to lay the resolution on the table.

Not agreed to.

Mr. Conness offered the following as an amendment—"amend by appointing the member from Solano, as a committee of one, to wait upon the lady in question."

The Speaker decided the motion out of order.

From which decision Mr. Conness appealed.

The question was put, "Shall the decision of the Chair be the judgment of the House?" and decided in the affirmative.

The resolution was then adopted.

The Speaker laid before the House a communication from the Secretary of State, in reply to a resolution of the Assembly in reference to the printing contracts heretofore made.

The communication, with the accompanying documents, were read and referred to Committee on Printing.

Mr. Stevenson gave notice that he would, on Monday next, introduce a bill to repeal the Pilot Laws now in existence in this State.

Mr. McGee gave notice that he would, on Monday, introduce a bill providing for a division of Butte County.

On motion of Mr. Jones, Mr. Tallmadge was added to Committee on Printing.

Mr. Conness gave notice that he would, in a few days, introduce a bill for the reduction of the cost of the transportation of prisoners from the various counties of this State.

Senate Bill, No. 31, for an Act to authorize the Court of Sessions of the County of Sacramento to levy and collect a special tax for the support and maintenance of the Indigent Sick of said County.

Read a second time and referred to Delegation from Sacramento.

Assembly Bill, No. 100, an Act to amend an Act entitled an Act to regulate proceedings in Criminal Cases, passed May 1st, 1851.

Read a second time and referred to the Judiciary Committee.

Assembly Bill, No. 99, an Act to authorize the Clerk of the Supreme Court of this State to appoint Deputies.

Read a second time, and referred to Judiciary Committee.

Assembly Bill, No. 101, an Act for dividing the Counties of Calaveras and El Dorado, and forming a new county therefrom, to be called Washington.



Read a second time, and referred to Committee on Counties and County Boundaries.

Mr. Ballou introduced a bill, an Act to legalize acknowledgments in certain cases, taken and certified by County Recorders.

Read a first time and ordered to a second reading on to-morrow.

Mr. McKenny introduced a bill for an Act to abolish the Board of Supervisors in and for the County of Santa Clara.

Read first time and ordered to a second reading on to-morrow.

Mr. Griffith introduced a bill for an Act to amend an Act entitled an Act concerning the Courts of Justice of this State and Judicial Officers, passed May 19, 1853.

Read a first time, and ordered to a second reading on to-morrow.

Mr. Spencer introduced a bill for an Act to authorize A. H. Murdoch, and others to build a wharf at the town of Union, in Humboldt county.

Read a first time and ordered to a second reading on to-morrow.

Mr. Stowe introduced a bill for an Act to amend an Act concerning Courts of Justice of this State and Judicial Officers.

Read a first time, and ordered to a second reading on to-morrow.

Mr. Whitman introduced a bill for an Act defining the meaning of the word "Deed," and changing the common law signification of the same.

Read a first time, and ordered to a second reading on to-morrow.

Mr. Fairfield introduced a bill for an Act amendatory of, and explanatory to an Act entitled an Act to provide revenue for the support of the Government of this State, passed May 18, 1853.

Read a first time, and ordered to a second reading on to-morrow.

On motion, leave of absence was granted to Mr. Davidson for two days, and to Mr. Griffith for one day

On motion of Mr. O'Neil, the House adjourned until 1 o'clock on Monday next.

## HOUSE OF ASSEMBLY.

MONDAY, February 13, 1854.

House met pursuant to adjournment.

The roll was called by the Clerk, and a quorum being present,

The Speaker announced the House ready to proceed to business.

The Journal of Saturday was read and approved.

On motion, indefinite leave was granted to Mr. Musser, and one day to Mr. F. A.

Park, one day to Mr. Van Cleft, one day to Mr. Sweasey, four days to Mr. Springer, one day to Mr. Bradford, one day to Mr. McBrayer, one day to Mr. McKinney, one day to Mr. Stowe, one day to Mr. Whitman, and one day to Mr. Clingan.

Mr. Watkins presented a petition from sundry citizens of Alameda county, in reference to the terms of the County Court.

Read and referred to Judiciary Committee.

Mr. Spencer, chairman, made the following report :

The Committee on Hospitals, to whom was referred the bill entitled An Act to protect the bodies of deceased persons and public grave yards, have had the same under consideration, and respectfully recommend the following amendment :

After the first word in the fifth line of the second section, add "or destroy, or remove shade, ornamental, or other trees, unless by direction of the proper authorities."

The amendment was adopted, and the bill read a third time and passed.

Mr. Hoyt from the Judiciary Committee, made the following minority report :

The undersigned a member of the Judiciary Committee, who have had under consideration, Assembly bill No. 1, for an Act to provide for the formation of Chattel Mortgages, would respectfully report, that he believes the wants of the business community imperatively demand that some well guarded act be passed providing for the formation of Chattel Mortgages, without delivery of property.

And believing that the bill under consideration does not fully meet the exigencies of the case, begs leave to offer the following substitute.

JAMES T. HOYT.

*Assembly Hall, Feb. 13, 1854.*

On motion of Mr. Hoyt, Assembly bill, No. 1, an Act to provide for the formation of Chattel Mortgages, was taken from the table, and upon his motion 240 copies of the substitute were ordered to be printed ; and

The bill and substitute made the special order for Thursday next, at 12 o'clock.

The following message was received from the Senate :

I am directed to inform the Assembly, that on the 9th instant, the Senate passed the accompanying Joint Resolution in reference to claims of citizens of California for damages, by the action of the U. S. Indian Commissioners, in which the concurrence of the Assembly is respectfully asked.

JOHN Y. LIND,  
Secretary.

Resolution was read a first and second time, and referred to Committee on Indian Affairs.

Mr. Kellogg gave notice that, on to-morrow, or at some future day, he would introduce a bill to amend the Charter of the City of Benicia.

Mr. Watkins introduced a bill for an Act to take the sense of the people of this State upon the subject of a permanent location of the Seat of Government.

Read a first time, and ordered to a second reading on to-morrow.

Mr. O'Neil offered the following, which was adopted :

*Resolved*, That the Committee of Ways and Means be requested to report a bill, as soon as possible, for the support of the Government of this State.

Mr. Conness introduced a bill for an Act to amend an Act providing for securing the State Prison Convicts.

Read a first time and ordered to a second reading on to-morrow.

Mr. Stevenson introduced a bill for an Act to repeal the Pilot Laws now in existence.

Read a first time, and ordered to a second reading on to-morrow.

Mr. McDaniel introduced a bill for an Act authorizing Justices of the Peace to issue writs of injunctions in certain cases.

Read a first time, and ordered to a second reading on to-morrow.

Mr. Warmcastle introduced a bill for an Act concerning Lawful Fences, and Animals committing waste on grounds lawfully enclosed.

Read a first time and ordered to a second reading on to-morrow.

Assembly bill, No. 85, an Act for the Protection of Settlers.

Read a second time, and referred to Committee on Public Lands.

On motion, the vote referring the bill to committee was re-considered.

Mr. Watkins introduced a bill for the Protection of Settlers upon Public Lands.

Read a first and second time, 240 copies ordered to be printed, and the original bill for the same purpose, with this, intended as a substitute; referred to Committee on Public Lands.

Assembly Bill, No. 103, an Act to legalize Acknowledgments in certain cases, taken and certified by County Recorders.

Read a second time and referred to Judiciary Committee.

Assembly Bill, No. 104, an Act to abolish the Board of Supervisors in and for the County of Santa Clara.

Read a second time, and referred to the delegation from Santa Clara.

Assembly Bill, No. 105, an Act to amend an Act entitled an Act concerning the Courts of Justice of this State and Judicial Officers, passed May 19th, 1853.

Read a second time, and referred to Judiciary Committee.

Assembly Bill, No. 106, an Act to authorize A. H. Murdock, and others, to build a wharf at the town of Union, in Humboldt County.

Read a second time and referred to Committee on Commerce.

Assembly bill No. 107, an Act to amend an Act concerning Courts of Justice of this State and Judicial Officers, approved May 19, 1853.

Read a second time and referred to Judiciary Committee.

Assembly bill No. 108, an Act defining the meaning of the word "Deed," and changing the Common Law signification of the same.

Read a second time and referred to Judiciary Committee.

Assembly bill No. 109, an Act amendatory of and explanatory to an Act entitled an Act to provide revenue for the support of the Government of this State, passed May 18, 1853.

Read second time and referred to Committee of Ways and Means.

Assembly bill No. 86, an Act creating a Board of Commissioners, and the office of Overseer in each township of the several counties to regulate Water Courses within their respective limits.

Read a second time and referred to Committee on Agriculture.

Assembly bill No. 97, for an Act granting to G. W. Ellis and others the right to use the hydraulic power of Mission Creek for milling purposes.

Read a second time, and made the special order of the day for Friday next at 12 o'clock.

On motion, the House adjourned until 11 o'clock to-morrow.

## HOUSE OF ASSEMBLY.

TUESDAY, February 14, 1854.

House met pursuant to adjournment.

The roll was called by the Clerk, and a quorum being present the Speaker announced the House ready to proceed to business.

The Journal of Monday last was read and approved.

On motion, leave of absence was granted to Messrs. Griffith, F. A. Park and Carrillo for two days.

Mr. Watkins made the following report :

The Committee on Corporations, to whom was referred the petition of sundry citizens of the town of Oakland praying for the passage of a law granting them a new Charter, have had the same under consideration, and have instructed me to report a bill according to the prayer of the petitioners, and recommended its passage.

The bill was read a first time.

Mr. Bradford moved to print 240 copies of the bill.

Not agreed to.

Mr. Jones, from the Judiciary Committee, made the following report :

The Judiciary Committee have had under consideration Assembly bill, No. 88, entitled an Act concerning Legal Proceedings in favor of and against Counties, and herewith report the same to the House with an amendment, and recommend its passage.

Amendment adopted, and

On motion of Mr. Bostwick, 240 copies of the bill ordered to be printed.

Mr. Tivy, chairman, made the following report :

The Joint Committee on Enrollment have examined, and find correctly enrolled, an Act to authorize the State Treasurer to issue a duplicate Land Warrant to Geo. W. Coffee ; also,

An Act to provide for the restoration of certain Books, Records, Maps and Papers to Humboldt County, now held by Trinity county ; also,

An Act to change the name of William Alexander Smith, to Amor De Cosmos ; also,

Joint Resolution in relation to the wreck of the ship Aberdeen ; also,

Senate Concurrent Resolution granting leave of absence to John M. Howell, District Judge of the Eleventh Judicial District ; and also,



Concurrent resolution granting leave of absence to Thomas W. Dawson, County Clerk of Shasta county.

JOSEPH A. TIVY,  
Chairman of Committee on Enrolled Bills.

BENICIA, February, 14, 1854.

Mr. Hagans gave notice that at an early day he would introduce a bill for an Act for the relief of Nathaniel McMarifee.

Mr. James gave notice that on to-morrow, or some subsequent day, he would introduce proposed amendments to sections 3, 5, and 8, of Article VI, of the Constitution of this State.

Assembly bill No. 110, An Act to take the sense of the people of this State upon the permanent location of the Seat of Government;

Read a second time, and referred to Committee on Public Buildings and Grounds.

Assembly bill No. 111, An Act to amend an Act providing for securing the State Prison Convicts;

Read a second time and referred to Committee on State Prisons.

Assembly bill No. 112, for An Act to repeal the Pilot Laws now in existence;

Read a second time and referred to Committee on Commerce.

Mr. Tallmadge moved to print 240 copies of the bill.

Not agreed to.

Assembly bill No. 113, An Act authorizing Justices of the Peace to issue writs of injunction in certain cases;

Read a second time, and referred to Judiciary Committee.

Assembly bill No. 114, An Act concerning Lawful Fences, and animals committing waste on grounds lawfully enclosed;

Read a second time and referred to Committee on Agriculture.

Mr. Kellogg introduced a bill for an Act supplementary to the Act incorporating the city of Benicia;

Read a first and second time and referred to Committee on Corporations.

Mr. Bennett introduced a bill, an Act to exempt from taxation pre-emption and the improvements thereon.

Read a first time and ordered to a second reading on to-morrow.

On motion of Mr. Watkins, Assembly bill No. 66, an Act to Incorporate Crescent City,

Was taken from the table, considered as engrossed, read a third time and passed.

Mr. McGee introduced a bill for an Act to provide for a division of Butte county;

Read a first and second time, and referred to Committee on Counties and County Boundaries.

The Speaker laid before the House a communication from the Corporation of Sacramento, in reference to a bill which is now before the Legislature.

Communication was read, and

On motion of Mr. Conness, referred to the Judiciary Committee.

On motion of Mr. Mandeville, Assembly bill No. 12, an Act to repeal an Act to amend the 14th section of an Act entitled an Act concerning the office of County Treasurers, passed March 27, 1850, approved May 17, 1853,

Was taken from the the table, considered as engrossed, read a third time and passed.

On motion of Mr. Conness, the special order which had been set for this day was postponed from day to day until disposed of.

Mr. Letcher made the following report

The delegation from Santa Clara, to whom was referred an Act to abolish the Board of Supervisors in and for the county of Santa Clara, beg leave to report the same back to the House without amendment, and recommend its passage.

The bill was considered as engrossed, read a third time and passed.

Mr. Whipple introduced a bill for an Act to amend an Act entitled an Act to regulate proceedings in Criminal Cases in the Courts of Justice of this State, passed May 1, 1851;

Read a second time and referred to the Judiciary Committee.

Mr. Bradford gave notice that on to-morrow he would introduce a bill for an Act concerning the office of Secretary of State.

Mr. Warmcastle introduced a bill for an Act to abolish the Board of Supervisors in the county of Contra Costa.

Read a first and second time.

Mr. Warmcastle moved to suspend the rules to read the bill a third time now.

Not agreed to.

Mr. Stowe offered the following, which was adopted :

*Resolved*, That the Treasurer of State be requested to transmit to this House copies of vouchers, and other papers in his office in relation to the interest coupons payable in the city of New York.

On motion of Mr. Conness the House adjourned until 11 o'clock to-morrow.

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## HOUSE OF ASSEMBLY.

WEDNESDAY, February 15, 1854.

House met pursuant to adjournment.

The roll was called by the Clerk, and a quorum being present,

The Speaker announced the House ready to proceed to business.

The Journal of Tuesday was read and approved

On motion, leave of absence was granted to Mr. Dawley for two days; and to Mr. Stevenson for one day.

Mr. Bowie presented a petition from sundry citizens of Colusi county, in reference to the protection of game, which was read, and

On motion of Mr. Bostwick, referred to Committee on Agriculture.

Mr. Herbert, chairman, made the following report :

The Committee of Ways and Means to whom was referred a bill entitled an Act authorizing the State Treasurer to make disposition of certain monies for the purpose of paying the interest on the Civil Bonds of the State, issued under the Funding Acts of 1852 and 1853, ask leave to report it back without amendment, and recommend its passage.

The bill was read a third time, 240 copies ordered to be printed and laid upon the table.

Mr. Jones, from the Judiciary Committee, made the following report :

The Judiciary Committee, to whom was referred Senate bill, No. 22, entitled an Act to authorize the release of John G. Burcham, and his sureties, from a recognition and judgment, report it back and recommend its passage.

The bill was read a third time and passed.

Mr. Ashley made the following report :

The Committee on Education to whom was referred the special message of the Governor, presented with the report of the present Superintendent of Public Instruction, have had said special message under consideration, and conformably to its recommendation would respectfully report the accompanying memorial and Joint Resolution, and recommend its passage.

Joint Resolution and memorial introduced by the Committee on Education.  
Read a first time, and 240 copies ordered to be printed.

Mr. Irwin made the following report :

The Committee on Federal Relations, to whom was referred Senate Concurrent Resolution concerning the Pacific Railroad, have had the same under consideration and report the resolution back, and ask the House to concur with the Senate in the appointment of a Joint Committee of three from each House.

Senate Concurrent Resolution adopted, and Messrs. Irwin, Watkins and Carr were appointed on the part of the Assembly.

Mr. O'Neil, chairman, made the following report :

The Committee on Engrossment have examined, and find correctly engrossed, a bill for an Act to repeal an Act to amend the 14th section of an Act entitled an Act concerning the office of County Treasurer, passed March 27, 1850, approved May 17, 1853, and to revise said fourteenth section.

Also, an Act to abolish the Board of Supervisors in and for the county of Santa Clara.

Mr. McDaniel, for the entire delegation from Calaveras, made the following report :

The Delegation from Calaveras, to whom was referred a bill for an Act to repeal an Act entitled an Act to authorize the County Surveyor of Calaveras county to

rent an office, have had the same under consideration, and recommend that the bill do not pass.

The bill was then read a third time, and in accordance with the recommendation of the delegation, did not pass.

Mr. Bradford, chairman, made the following report :

The Committee on Public Lands, to whom was referred Senate bill for an Act declaring the consent of the State of California to the purchase, by the United States of Signor or Mare Island, to relinquish the title and interest of the State in overflowed portions of said Island, and to vest the jurisdiction over the same in the United States for the purposes therein specified, have considered the same, and report it back without amendment, and recommend its passage.

The bill reported back by the committee, read a third time and passed.

The following report was made by Messrs. McBrayer and J. W. Park.

A portion of the Sacramento Delegation to whom was referred a bill for an Act to authorize the Court of Sessions of the county of Sacramento to levy and collect a special tax for the support and maintenance of the Indigent Sick of said county, beg leave to report, that they have had the same under consideration and report it back to the House with the following amendment.

Amend section 1, by striking out the word "half," and insert the word "fourth," and recommend the adoption of the amendment and the passage of the bill.

The following report was made by Messrs. F. A. Park and Davidson.

A portion of the Sacramento delegation, to whom was referred a bill for an Act to authorize the Court of Sessions of the County of Sacramento to levy and collect a special tax for the support of the indigent sick of said county, beg leave to report that they have had the same under consideration, and report it back to the House with the following amendment :

Amend section 1, by striking out the words "one half of one per cent," and inserting the words "fifteen cents on the one hundred dollars," and recommend the adoption of the amendment and passage of the bill.

The amendment proposed by Messrs. F. A. Park and Davidson not agreed to.

The amendment offered by Messrs. McBrayer and J. W. Park adopted.

The bill read a third time and passed.

The following message was received from the Senate :

I am instructed to inform the Assembly that, on yesterday, the Senate concurred in Assembly Resolution to furnish the Codified Statutes to the Reporters.

And passed a Concurrent Resolution in reference to the printing of the yeas and nays in the Journal.

The Senate have consented to a Committee of Conference on the disagreeing vote of the two Houses, as to an increase of Mail Service, and have appointed Messrs. Coffroth, Tuttle and Bryan on their part.

All of which is respectfully submitted.

JOHN Y. LIND,  
Secretary.



Concurrent Resolution from the Senate in reference to the State Printer, concurred in by the Assembly.

Mr. Whitman gave notice that he would, at an early day, introduce a bill for an Act to appropriate the water front of the city of Benicia.

Mr. Bowie gave notice that he would, at an early day, introduce a bill for an Act to extend an Act for the Protection of Game to the County of Colusa.

Mr. Carr introduced a Joint Resolution in reference to the Board of Land Commissioners holding sessions of their court at Los Angeles.

Read a first time, and ordered to a second reading on to-morrow.

Mr. Ballou gave notice that he would, at an early day, introduce a bill authorizing the qualified electors in the State of California to vote for or against the granting of license for the sale of ardent spirits in their respective townships and incorporated cities.

Mr. Rowan gave notice that, on to-morrow, he would introduce a bill for an Act entitled an Act directing notice to be given of applications to the Legislature relative to Incorporations.

Also, a bill for an Act entitled an Act making provision for ascertaining the Boundaries of Counties and Townships.

Assembly bill, No. 118, an Act to exempt from taxation Pre-emptions, and the improvements thereon.

Read a second time, and referred to Committee of Ways and Means.

Assembly bill No. 121, an Act to abolish the Board of Supervisors in the county of Contra Costa.

Considered as engrossed, read a third time, and passed.

Assembly bill No. 116, an Act to incorporate the city of Oakland.

Read a second time, and referred to Committee on Corporations.

Mr. Whipple introduced a Joint Resolution granting leave of absence to Edward P. Fletcher, County Judge of Klamath county.

Read first time, and ordered to a second reading on to-morrow.

Mr. Whitman introduced a bill for an Act for the relief of the Stockton Journal.

Read a first time, and ordered to a second reading on to-morrow.

He also gave notice that he would, at an early day, introduce a bill for an Act to fund the indebtedness of the County of Solano.

Mr. Aylett introduced a Joint Resolution granting leave of absence to R. L. Westbrook, Judge of Siskiyou county.

Read a first time, and ordered to a second reading on to-morrow.

On motion of Mr. Bradford, Mr. Hubert was added to the Joint Select Committee on the Fee bill.

On motion of Mr. Mandeville, 240 copies of the report of the Joint Committee, appointed at the last session of the Legislature, to examine the books and papers of the different State offices, were ordered to be printed.

On motion of Mr. Conness, the House adjourned until 11 o'clock to-morrow.

## HOUSE OF ASSEMBLY.

THURSDAY, February 16, 1854.

House met pursuant to adjournment.

The roll was called by the Clerk, and a quorum being present,  
The Speaker announced the House ready to proceed to business.  
The Journal of Wednesday was read and approved.

On motion, leave of absence was granted to Mr. French for one day; and Mr. Hunt for four days.

Mr. Hastings presented a petition from sundry citizens of Butte county, praying to be reattached to Sutter county.

Read, and referred to Committee on Counties and County Boundaries.

Mr. Herbert presented a petition numerously signed by citizens of Mariposa county protesting against a division of the same.

Read, and referred to Committee on Counties and County Boundaries.

Mr. Watkins made the following report:

The Committee on Corporations, to whom was referred Assembly bill No. 116, an Act to Incorporate the City of Oakland, have had the same under consideration, and have instructed me to report the same back, with the following amendments, to wit:

In the first section, sixth line, strike out "and may." In the sixth line of the eleventh section, strike out "B. F. Ferris," and insert "D. N. Van Dike." At the end of the nineteenth section, add, "and any ordinance of said town of Oakland, providing for the levying and collection of taxes, and directing or authorizing the expenditures of monies, or the assumption of any debts or liabilities, are hereby suspended, until the organization of the government created by this Act."

And add as section 20, the following:

"This Act shall take effect from and after the passage thereof."

On motion, the special order set for this day at 12 o'clock, was postponed.

On motion of Mr. Bradford, the House resolved itself into Committee of the Whole, Mr. Bradford in the chair, to consider an Act to incorporate the city of Oakland; after spending some time in its consideration, and making sundry amendments thereto,

On motion, the committee rose, reported the bill back as amended, and asked to be discharged from its further consideration.

The committee was discharged.

The several amendments made in Committee of the Whole were adopted generally.

Mr. Conness moved to strike out the words "made *bona fide*" in the 12th section.

Not agreed to.

The bill was then considered as engrossed, read a third time and passed.

Mr. Tivy, chairman, made the following report :

The Joint Committee on Enrolled bills have examined, and find correctly enrolled, an Act to protect the bodies of deceased persons, and public grave yards.

An Act to authorize the Court of Sessions of the county of Sacramento, to levy and collect a special tax for the support and maintenance of the Indigent Sick of said county.

Mr. Hubert made the following report :

The Judiciary Committee have had under consideration Assembly bill, No. 92, entitled an Act fixing the time of holding the several Courts of Alameda county, and having amended the same, recommend its passage as amended.

Also, Assembly bill No. 105, entitled an Act to amend an Act entitled an Act concerning the Courts of Justice of this State and Judicial Officers, passed May 19, 1853.

Also, Assembly bill No. 99, entitled an Act to authorize the Clerk of the Supreme Court of this State to appoint deputies.

Also, Assembly bill No. 93, entitled an Act to amend an Act concerning the office of Public Administrator and making it elective, passed April 15, 1851.

Also, Assembly bill No. 95, entitled an Act to amend an Act concerning the writ of *Habeas Corpus*, passed April 20, 1850, the passage of which severally the committee recommended.

February 16, 1854.

Assembly bill No. 92, above reported.

The amendment of the committee concurred in ; the bill considered as engrossed ; read a third time and passed.

Assembly bill No. 105, reported by Judiciary Committee, on its third reading, On motion of Mr. Hastings, laid upon the table.

Assembly bill No. 99, reported by Judiciary Committee ; considered as engrossed ; read a third time and passed.

Assembly bill No. 93, reported by Judiciary Committee ; considered as engrossed ; read a third time and passed.

Assembly bill No. 95, reported by Judiciary Committee : considered as engrossed ; read a third time and passed.

Mr. Hubert made the following report :

The undersigned, members of the Judiciary Committee, respectfully report, that they have had before them Assembly bill No. 100, entitled an Act to amend an Act entitled an Act to regulate proceedings in Criminal Cases, passed May 1, 1851, and recommend the passage of the same.

HUBERT,  
JONES,  
BRADFORD,  
WHITMAN and  
BOWIE.

The undersigned, a portion of the Judiciary Committee, have had under consideration Assembly bill No. 100, entitled an Act to amend an Act entitled an Act to

regulate proceedings in Criminal Cases, passed May 1, 1851, and herewith report a substitute for the same, and recommend its passage.

ASHLEY,  
CARR,  
WARMCASTLE and  
GORDON.

The undersigned, a minority of the Judiciary Committee, who have had under consideration Assembly bill, No. 100, entitled an Act to amend an Act entitled an Act to regulate proceedings in Criminal Cases, passed May, 1, 1851, would respectfully report, that believing the present law allowing the defendant in criminal action the privilege of the closing argument is a proper and humane law, and in keeping with the progressive tendencies of the jurisprudence of our State; that it affords the defendant an opportunity to dissipate hasty and excited impressions that may be created against him by eloquence and ingenuity of opposing counsel, leaving the case to go to the jury upon its true merits: consequently no injury can result to the State, for when the case for the prosecution is not sufficiently strong of itself to produce conviction, the defendant should be discharged; therefore report against any change of the present law in that respect.

J. F. HOYT.

The bill, substitute and reports made the special order for Wednesday next at 12 o'clock.

Mr. Stemmons made the following report :

The Committee on Agriculture, to whom was referred Assembly bill No. 86, creating a Board of Commissioners and an Overseer to regulate Water Courses and Ditches in their townships: have had the same under consideration, and report the same back, with a substitute, and recommend the adoption and passage of the substitute.

The bill, substitute and report, on motion, laid upon the table.

Mr. Nichols made the following report :

The San Francisco and El Dorado delegation, to whom was referred the petition of George Alexander Smith; have had the same under consideration, and respectfully recommend that the prayer of the petitioner be granted.

Mr. O'Neil, chairman, made the following report :

The Committee on Engrossment have examined, and find correctly engrossed, an Act to incorporate Crescent City.

The Speaker laid before the House a communication from the State Treasurer in answer to a resolution of the Assembly, in relation to the payment of coupons due in New York, on the 1st of January, 1854.

Communication and accompanying documents read and referred to the special committee of three upon that subject.

The Clerk read to the House a communication from Madam Anna Bishop and her musical director, accepting the offer of the Assembly, to grant the use of the hall of the House for her to give a Concert, and

On motion, the Clerk was authorized to select the evening, and notify her director of the same.



Mr. Bradford offered the following, which was adopted.

*Resolved*, That the Sergeant-at-Arms of this House be instructed to obtain from the Sergeant-at-Arms of the Senate, as many copies of the Report of the Trustees of the Insane Asylum as were intended for the use of the Assembly.

Mr. Irwin moved to print 1,000 copies of the Report of the Trustees of the State Marine Hospital.

Mr. Ballou moved to lay the motion to print on the table.

Agreed to.

Mr. Conness gave notice that in a few days he would introduce a bill for the increase of the salary of the District Attorney for El Dorado County.

Mr. McDonald gave notice that, at an early day, he would introduce a bill to create the office of Collector of Taxes in the different counties of this State.

Assembly bill No. 102, for an Act for the better development of the Mineral Resources of California.

Read a second time, and referred to Committee on Mines and Mining Interests.

Assembly bill No. 97, an Act to authorize the Governor of this State to convey certain property in the City and County of San Francisco to the United States.

Read a second time, and ordered to a third reading on to-morrow.

Assembly Joint Resolution, 124, in reference to the Board of Land Commissioners holding a session at the City of Los Angeles.

Read a second time, and referred to Committee on Federal Relations.

Assembly bill No. 122, an Act for the relief of the Stockton Journal.

Read a second time, and referred to Committee on Claims.

Assembly Joint Resolution No. 125, granting leave of absence to Edward P. Fletcher, County Judge of Klamath County.

Read a second time, and ordered to a third reading on to-morrow.

Assembly Joint Resolution No. 126, granting leave of absence to R. L. Westbrook, Judge of Siskiyou county.

Read a second time, and ordered to a third reading on to-morrow.

Mr. Conness gave notice that, in a few days, he would introduce a bill to prevent Judicial and other officers from being absent during their terms of office from this State.

On motion, Mr. McGee was added to the Committee on Mines and Mining Interests; and Mr. Green added to the Committee on Education.

Mr. Hastings gave notice that he would, at an early day, introduce a bill for an Act fixing the northern boundary of Sutter County.

Mr. J. W. Park gave notice that he would, at some future day, introduce a bill for the relief of Charles N. Hall, for moneys expended in the year 1850, for the suffering emigrants.

Mr. Whitman introduced a bill for an Act granting to the city of Benicia the water front of said city.

Read a first time, and 240 copies ordered to be printed.

Mr. Horr gave notice that, on to-morrow, he would introduce a bill authorizing the erection of dams across Tuolumne river, for milling, manufacturing and agricultural purposes.

Mr. Davidson gave notice that, at an early period, he would introduce a bill for the better observance of the Sabbath day throughout the State of California.

Mr. Griffith gave notice that, on to-morrow, he would introduce a bill for an Act to amend an Act entitled an Act to prohibit the erection of Weirs, or other obstructions to the run of Salmon, passed April 12, 1852;

Also, to amend an Act entitled an Act to amend the above mentioned Act, passed March 19, 1852

On motion of Mr Stemmons, the House adjourned until 11 o'clock to-morrow

## HOUSE OF ASSEMBLY.

FRIDAY, February 17, 1854.

House met pursuant to adjournment.

The roll was called by the Clerk, and a quorum being present,  
The Speaker announced the House ready to proceed to business.  
The Journal of Thursday was read and approved  
On motion, leave of absence was granted to Mr. Hollister for two days, and to Mr. Ordard for two days, and to Messrs. Myres and French until Monday next.  
Mr. Stemmons presented a petition numerously signed by citizens of San Joaquin, protesting against the election of Senator during this session of the Legislature.

Mr. Hubert made the following report from the Judiciary Committee :

The Judiciary Committee having duly considered Assembly bill No. 113, entitled Act authorizing Justices of the Peace to issue writs of Injunction in certain cases, rewith report a substitute for the same and recommend its passage ; also, Assembly bill No. 107, entitled an Act to amend an Act concerning Courts of Justice of this State, and Judicial Officers, approved May 19, 1853 ; also, Assembly bill No. 120, entitled an Act to amend an Act to regulate proceedings Criminal Cases in the Courts of Justice of this State, passed May 1, 1851, and commend that they do not pass.

The Committee have also had under consideration Assembly bill No. 94, entitled Act to amend an Act concerning Crimes and Punishments, passed April 16, 1850, and having made sundry amendments thereto, recommend its passage as amended.

Assembly bill No. 113, reported as above.

The substitute adopted, 240 copies of the substitute ordered to be printed, and the bill made the special order for the first day of March next, at 12 o'clock.

Assembly bill No. 107, reported back by Judiciary Committee, recommending that the bill do not pass ; by a vote of the House the bill did not pass.

Assembly bill No. 120, reported back by Judiciary Committee, recommending that the bill do not pass ;

On motion, it was laid upon the table.

Assembly bill, No. 94, reported back by the Judiciary Committee, with sundry amendments,

On motion, laid upon the table.

Mr. O'Neil, chairman, made the following report :

The Committee on Engrossment have examined and find correctly engrossed, an Act to abolish the Board of Supervisors in the county of Contra Costa.

An Act to amend an Act concerning the office of Public Administrator, and making it elective, passed April 15, 1851.

An Act to amend an Act concerning the writ of *Habeas Corpus*, passed April 10, 1850 ;

And an Act to authorize the Clerk of the Supreme Court of this State to appoint deputies.

The special order of the day, Assembly bill No. 97, for an Act granting G. W. Ellis, and others, the right to use the hydraulic power of Mission Creek for milling purposes, was taken up for consideration.

On motion of Mr. Conness, the House resolved itself into Committee of the Whole, Mr. Mandeville in the chair, to consider the bill; after spending some time in its consideration,

On motion of Mr. Griffith, the committee rose, reported the bill back to the House, with a recommendation that it do not pass, and asked to be discharged from the further consideration of the same.

Committee discharged.

The bill was then read a third time.

Mr. Stowe moved to lay the bill on the table.

Not agreed to.

The final vote upon the passage of the bill was then taken, and the House, refused to pass it.

Mr. Stemmons moved to adjourn.

Not agreed to.

Mr. Ballou moved to take a recess until 3 o'clock.

Not agreed to.

Assembly Joint Resolution granting leave of absence to R. L. Westbrook, Judge of Siskiyou county, on its third reading.

On motion, laid upon the table.

Assembly Joint Resolution granting leave of absence to Edward P. Fletcher, County Judge of Klamath county, on its final passage, Messrs. Conness, Letcher, and Bostwick, demanded the yeas and nays:

Those who voted for the passage of the resolution were—

Messrs. Bagley, Bowie, Cornwall, Dawley, Gordon, Green, Hastings, Henry, Herbert, Hollister, Horr, Houghtaling, Hoyt, Hubbard, Hubert, James, Koll, Mandeville, Musser, McBrayer, Nichols, Noel, F. A. Park, J. W. Park, Purdy, Ring, Rowan, Spencer, Stevenson, Stowe, Warmcastle, Watkins, Whipple, Whitman, and Mr. Speaker—35.

Those who opposed the resolution were—

Messrs. Anderson, Ashley, Bennett, Bostwick, Bradford, Burton, Carr, Clingan, Conness, Dannels, Fairfield, Griffith, Hoff, Hunter, Irwin, Jones, Letcher, Lindsey, McDonald, McDaniel, McGee, McKinney, O'Neil, Stemmons, Sweasey, Tallmadge, Tivy, and Van Cleft—28.

So the resolution passed.

Assembly bill, No. 98, an Act to authorize the Governor of this State to convey certain property in the city and county of San Francisco to the United States, on its third reading,

On motion, made the special order of the day for to-morrow at 12 o'clock.

Mr. Griffith introduced a bill for an Act to amend an Act entitled an Act to prohibit the erection of Weirs or other obstructions to the run of Salmon, passed April 12, 1852.

Read a first time, and 240 copies ordered to be printed.

Mr. Stowe introduced a bill for an Act to amend an Act to provide for the Public Printing, passed April 29, 1852.

Mr. Van Cleft offered the following, which was adopted.

*Resolved*, That this House adjourn the 21st of February to meet on the 23d, in honor of the birth day of Washington.

Mr. Horr introduced a bill, an Act authorizing persons to erect Dams across the Tuolumne river.

Read a first time, and 240 copies ordered to be printed.

Mr. Horr, introduced the following bill, also, for an Act for changing the head of Navigation of Tuolumne River.

Read a first time, and ordered to a second reading on to-morrow.

Assembly bill, No. 127, an Act granting to the city of Benicia the water front of said city.

Read a second time, and referred to Committee on Commerce.

Mr. O'Neil gave notice that he would, in a few days, introduce a bill for an Act to authorize the Secretary of State to grant State Licenses to Hawkers and Pedlars.

Mr. McKinney gave notice that he would, at some future day, introduce a bill legalizing the location of the Land Warrants created by law to provide for the disposal of the five hundred thousand acres of land granted to this State by Act of Congress, making said location legal upon unsurveyed lands.

Mr. Hubert gave notice that, to-morrow, he would move the repeal of the 64th rule for conducting business in the House of Assembly, so far as it prohibits a member to explain his vote while the yeas and nays are being called.

On motion, the House adjourned until 11 o'clock to-morrow.

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## HOUSE OF ASSEMBLY.

SATURDAY, February 18, 1854.

House met pursuant to adjournment.

The roll was called by the Clerk, and a quorum being present,  
The Speaker announced the House ready to proceed to business.  
The Journal of Friday was read and approved.

On motion, leave of absence was granted to Mr. Watkins for one day; to Mr. Green for one day; to Mr. Hall for one day; to Mr. Pratt for one day; to Mr. Varmcastle until Tuesday; to Mr. Van Cleft for one day; and to Mr. Hoyt for one week.



Mr. Dawley made the following report :

The Committee on Commerce, to whom was referred the accompanying bills, having had the same under consideration, beg leave to report as follows :

1st. Upon the petition from citizens of Alameda county in relation to San Antonio Creek, the committee find, upon examination of the statutes, that an Act was passed May 3d, 1852, declaring said Creek navigable ; said act never having been repealed, it appears that the prayer of the petitioners has been granted even before the asking, therefore no further action is necessary on the part of the present Legislature.

2d. An Act to authorize A. H. Murdock, and others, to build a wharf at the town of Union, in Humboldt county.

The committee propose to amend the second section, by striking out after the word successors in the third line, and insert "as therein shown," and recommend its adoption, and that the bill pass.

3d. An Act declaring Mission Creek, in the county of San Francisco, a navigable stream, having given the same a careful consideration, report the bill back with the accompanying amendment to the title and enacting clause, and unanimously recommend its passage.

Assembly bill, No. 106, for an Act to authorize A. H. Murdock, and others, to build a wharf at the town of Union, in Humboldt county, amended, considered as engrossed, read a third time and passed.

Assembly bill, No. 62, an Act declaring Mission Creek in the county of San Francisco, a navigable stream.

Read a third time.

Mr. Mandeville moved to lay the bill on the table.

Not agreed to.

Mr. Mandeville moved to re-commit the bill, with special instruction to inquire whether Mission Creek is a navigable stream.

Not agreed to.

The bill then passed the House.

Mr. Mandeville gave notice that he would, on to-morrow, move to reconsider the vote which passed the bill.

Mr. O'Neil, chairman, made the following report :

The Committee on Engrossment have examined, and find correctly engrossed, an Act fixing the time of holding the several Courts of Alameda county.

Also, Joint Resolution granting leave of absence to Edward P. Fletcher, County Judge of Klamath county.

Special order of the day set for 12 o'clock this day, was taken up for consideration, Assembly bill No. 98, an Act to authorize the Governor of the State to convey certain property in the city and county of San Francisco to the United States.

On motion, the House resolved into Committee of the Whole, Mr. Bostwick in the chair, to consider the bill ; after spending some time in the consideration of the bill, and making amendments thereto,

On motion, the committee rose, reported the bill back as amended, and asked to be discharged from the further consideration of the same.

The committee was discharged.

Amendments made in Committee of the Whole, concurred in by the House, the bill considered as engrossed, read a third time and passed.

Mr. Irwin made the following report :

The Committee on Federal Relations, to whom was referred Assembly Joint Resolution, in reference to the Board of Land Commissioners holding a session at the city of Los Angeles, have had the same under consideration, and respectfully recommend their passage.

Joint Resolution No. 124, reported back by Committee on Federal Relations. On their final passage Mr. Conness moved to amend by striking out the words "from and after the first day of August of," and insert the word "within."

Adopted.

Mr. Sweasey offered the following amendment :

"Provided that no claim be acted on north of Monterey county."

Not agreed to.

The Joint Resolution was then considered as engrossed, read a third time and passed.

Mr. Hoff, chairman, made the following report :

Your Committee on Claims, to whom was referred Assembly bill No. 42, entitled an Act for the relief of Walter Van Dyke, have had the same under consideration, and beg leave to submit the following report :

Your committee are satisfied from the evidence presented for their consideration, that the precinct "Althouse Creek" is in California, and from the fact that the present representative from Klamath county owes his election to the vote of the above named precinct, they are led to believe that Walter Van Dyke was unjustly ousted from his seat by a resolution of the Assembly, passed February 16, 1853, on the ground that the above named precinct was in Oregon.

Your committee are of opinion that the per diem of members is given as remuneration for services rendered, and inasmuch as said Van Dyke received his mileage to and from his home, and per diem whilst serving as member, he can have no further claim when those services ceased ; therefore your committee recommend that the bill be indefinitely postponed.

Your committee have also examined Assembly bill No. 122, entitled an Act for the relief of the Stockton Journal, and are of opinion that if the performance of the services for which compensation is claimed was duly authorized by law, that to the proper State officers, and not the Legislature, should the parties rendering such service apply for remuneration ; if not, then your committee are of opinion that said claim should not be paid, and recommend the indefinite postponement of the bill.

All of which is respectfully submitted.

Assembly bill No. 42, reported back by Committee on Claims.

Read a third time, and on its final passage,

Mr. James moved a call of the House.

The call was sustained.

The Clerk called the roll, and the following members were absent :

Messrs. Gilbert, Henry, Lindsey, McBrayer, McDuffie, Purdy, and Whitman.

On motion of Mr. Conness, the Sergeant-at-Arms was despatched after absentees.

On motion, Messrs. Purdy and Whitman were admitted within the bar of the House and excused.

On motion, further proceedings under the call were dispensed with.

The question then came up to indefinitely postpone the bill in accordance with the recommendation of the committee, and Messrs. Whipple, Mandeville and Fletcher demanded the yeas and nays.

Those who voted to postpone were—

Messrs. Anderson, Ashley, Ballou, Bennett, Bradford, Briggs, Burton, Conness, Cornwall, Dannels, Davidson, Dawley, Ewer, Fairfield, Griffith, Hoff, Hollister, Hubbard, Hunter, Irwin, Jones, Kellogg, Musser, McBrayer, McDonald, O'Neil, Pratt, Purdy, Ring, Springer, Stemmons, Stevenson, Stowe, Tallmadge, Tivy and Mr. Speaker—36.

Those who opposed a postponement were—

Messrs. Aylett, Bagley, Bostwick, Bowie, Carr, Clingan, Gordon, Hagans, Hastings, Herbert, Horr, Houghtaling, Hubert, James, Letcher, Lindsey, Mandeville, McDaniel, McGee, McKinney, Nichols, Noel, F. A. Park, J. W. Park, Rowan, Spencer, Sweasey, Sweetland, Warmcastle, Whipple and Whitman—31.

So the bill was indefinitely postponed.

Mr. Kellogg moved to reconsider the vote just taken.

Mr. McBrayer moved to indefinitely postpone the motion to reconsider. While this subject was under consideration,

On motion of Mr. Mandeville, the House adjourned until 11 o'clock, on Monday next.

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## HOUSE OF ASSEMBLY.

MONDAY, February 20, 1854.

House met pursuant to adjournment.

The roll was called by the Clerk, and a quorum being present, The Speaker announced the House ready to proceed to business. The Journal of Saturday was read and approved.

On motion, leave of absence was granted to Messrs. James, Hunt, McDonald, J. W. Park, Watkins, Mandeville, Herbert, Van Cleft and O'Neil for one day each; to McKinney and French four days; and to Mr. Musser two days.

Mr. Conness presented sundry petitions from citizens of El Dorado and Mariposa counties, requesting the passage of a prohibitory Liquor Law, which were referred to the select committee (Letcher chairman) already appointed upon that subject.

The following message was received from the Governor :

BENICIA, February, 16, 1854.

I have this day approved the following Acts which originated in the Assembly viz :

An Act to provide for the restoration of certain books, records, maps and papers to Humboldt county now held by Trinity county.

An Act to authorize the State Treasurer to issue a duplicate Land Warrant to Geo. W. Coffee.

Also, a Joint Resolution in relation to the wreck of the ship Aberdeen.

JOHN BIGLER.

Mr. Tivy, chairman, made the following report :

The Joint Committee on Enrolled bills report, that on the 16th instant they presented to his Excellency, the Governor, for his approval, the following Acts :

An Act to authorize the State Treasurer to issue a duplicate Land Warrant to George W. Coffee.

An Act to provide for the restoration of certain books, records, maps and papers to Humboldt county now held by Trinity county.

An Act to change the name of William Alexander Smith to Amor De Cosmos.

An Act to protect the bodies of deceased persons and Public Grave Yards.

An Act to authorize the Court of Sessions of the county of Sacramento to levy and collect a special tax for the support and maintenance of the Indigent Sick of said county.

Also, Joint Resolution in relation to the wreck of the ship Aberdeen.

February 20, 1854.

The following message was received from the Senate :

I am instructed to inform the Assembly, that on Thursday the Senate passed Assembly Concurrent Resolution requesting of Col. John C. Hays an early survey of the lands donated by the General Government for a Seminary,

And Assembly bill for an Act to provide for holding terms of the District Court in Tulare county.

They have passed, also, the following Senate Bills, an Act to fix the sessions of the Supreme Court at the Capitol of the State.

An Act supplementary to an Act to Fund the Debt of Yuba county, and provide for the payment thereof, passed May 3, 1852.

All of which is respectfully submitted.

JOHN Y. LIND, Secretary.

Senate bill No. 27, an Act to fix the sessions of the Supreme Court at the Capitol of the State.

Read a first and second time and referred to the Judiciary Committee.

Senate bill No. 54, an Act supplementary to an Act to Fund the Debt of the county of Yuba, and provide for the payment thereof, passed May 3, 1852.

Read a first and second time and referred to the Yuba Delegation.

Mr. Mandeville moved to reconsider the vote which passed Assembly bill, declaring Mission Creek, in the county of San Francisco, a navigable stream.

Mr. Dawley moved to lay the motion on the table.

Not agreed to.

The vote was then reconsidered, and

On motion of Mr. Dawley, the bill laid on the table.



Mr. Hastings, chairman, made the following report :

The Committee on Counties and County Boundaries have had under consideration, a bill providing for the organization of the county of Plumas out of the territory of Butte county ; the chairman is instructed by a majority of the committee, to report the following substitute for the bill, and recommend its passage.

The report, bill and substitute were, on motion, laid on the table.

Mr. Whitman introduced a Joint Resolution relative to the acquisition, by the United States, of Sonora and contiguous territory ;

Which was read a first time, and laid over under the rules.

Mr. Godard gave notice that he would, at an early day, introduce a bill concerning Public Roads and Highways.

Mr. McBrayer offered the following concurrent resolution, which,  
On motion of Mr. Bestwick, was indefinitely postponed:

*Resolved*, By the Assembly, (Senate concurring,) that the Secretary of State be required to furnish one copy of the codified laws of the State of California to the proprietor or proprietors of each newspaper now published in the State of California.

A communication was received from the State Treasurer, in reply to Assembly resolution requesting information relative to the sales of beach and water lot property in the city of San Francisco under the Act of March 26, 1851.

Mr. Hubert moved to refer the communication to a select committee of five.

Mr. Jones offered a substitute to the motion in the form of a concurrent resolution :

*Resolved*, By the Assembly, (the Senate concurring,) that a joint committee of two from the Assembly, and one from the Senate, be appointed to examine into, investigate and ascertain the amount of sales of beach and water lot property in the city of San Francisco, under the Act of March 26, 1851, and to ascertain the amount of such sales to which the State of California is entitled, with power to send for persons and papers.

Mr. McBrayer moved to amend the substitute by adding three more members on the part of the House.

Amendment adopted, and the substitute lost.

Mr. Conness offered the following resolution as a substitute to the motion of Mr. Hubert :

*Resolved*, That a committee of three be appointed to take into consideration the communication of the Treasurer of State, and to ascertain the amount of property sold by the city of San Francisco under the act of March 26, 1851, and to ascertain the amount of such sales to which the State is entitled.

Mr. Stowe moved to amend the substitute by making the committee five, instead of three.

Amendment adopted.

Mr. Letcher moved to amend by adding "and also the amount due from property otherwise disposed of under the provisions of said Act,"

Which was adopted.

The substitute of Mr. Conness, as amended, was then adopted,

The Chair appointed Messrs, Jones, Hubert, McBrayer, F. A. Park, and Bradford.

Mr. Carr gave notice that he would, at an early day, introduce a bill for the relief of the Los Angeles Rangers.

Mr. F. A. Park offered the following resolution, which was adopted :

*Resolved*, That the Attorney General be requested to present to this House, in writing, his opinion as to the legality of electing one Resident, and one Assistant Physician to the State Lunatic Asylum at the present session of the Legislature.

Mr. Hubert, pursuant to notice, offered the following as a substitute to the 64th Rule of the House:

"Any member shall be allowed to explain his vote while the yeas and nays are being called, but no member shall be allowed to change his vote after the vote is announced from the Chair."

Which was not adopted.

Mr. Bradford offered the following resolution, which was adopted :

*Resolved*, That it shall be the duty of the Clerk to record the names of absentees on the Journal ; it shall also be his duty, after taking the yeas and nays, to call over the name of each member voting, before handing the list to the Speaker.

A communication was received from the Treasurer of State, with an exhibit showing the pecuniary transactions of Messrs. Palmer, Cook & Co., with the American Exchange Bank in the City of New York, from 1st of June, 1853, to December 31, 1853, inclusive, which,

On motion of Mr. Lindsey, were referred to the committee (Stowe, chairman) already appointed on that subject.

Mr. F. A. Park gave notice that he would, at an early day, introduce a bill to provide for the funding of the debt of Sacramento county.

Mr. Gordon, pursuant to notice, introduced a bill for an Act supplementary to an Act to provide for the Lien of Mechanics and others, passed April 22, 1850.

Read a first time.

Assembly bill, No. 131, an Act for changing the head of navigation of the Tuolumne river.

Read a second time, and referred to Committee on Commerce and Navigation.

Assembly bill No. 122, an Act for the relief of the Stockton Journal.

Mr. Lindsey moved to lay the bill on the table.

Not agreed to.

Mr. Herbert moved to refer the bill back to Committee on Claims.

Not agreed to.

The question recurred on the recommendation of the Committee on Claims to indefinitely postpone the bill,

Which was agreed to.

On motion of Mr. Hunter, Assembly bill No. 86, an Act creating a Board of Commissioners, and the office of Overseer in each township of the several counties, to regulate Water Courses within their respective limits, together with the substitute reported by the Committee on Agriculture, were taken from the table, and

On motion of Mr. Herbert, made the special order of the day for Friday next, at 12 o'clock.

Mr. Herbert, on leave of the House, introduced a bill for an Act appropriating money to defray the expenses of the government of this State,

Which was read a first and second time and referred to Committee on Ways and Means.

Mr. Godard moved to take from the table Assembly bill No. 35, An Act to create a Board of Supervisors in and for the several counties of this State, and to define their duties and powers.

Agreed to.

On motion of Mr. Ashley, the bill was referred to a select committee of one from each county in which there exists a Board of Supervisors.

Messrs. Cornwall, Noel, Hunt, Hunter, French, Ashley, Stowe, McKenney, Watkins, Horr, Griffith, Bennett, Rowan, Spencer and Clingan were appointed said committee.

On motion of Mr. Ashley, Assembly Joint Resolution No. 123, in relation to lands donated to this State by the United States, was taken up, read a second time, and referred to Committee on Education.

Mr. Gordon moved to adjourn.

Mr. Conness moved a call of the House.

Not agreed to.

On the motion to adjourn, Messrs. Dawley, Lindsey and McBrayer demanded the yeas and nays.

Those who voted for adjournment were—

Messrs. Bennett, Bradford, Carr, Carrillo, Clingan, Cornwall, Dannels, Ewer, Fairfield, Gilbert, Gordon, Hagans, Hastings, Her-ry, Herbert, Hubbard, Hunter, Jones, Kellogg, Mandeville, McDuffie, Spencer, Warmcastle, Watkins, Whipple and Whitman—24.

Those who voted against adjournment were—

Messrs. Anderson, Ashley, Aylett, Ballou, Bostwick, Briggs, Burton, Conness, Davidson, Dawley, Hollister, Horr, Houghtaling, Hubert, Letcher, Lindsey, McBrayer, McDonald, Noel, F. A. Park, J. W. Park, Pratt, Purdy, Ring, Rowan, Springer, Stemmons, Stevenson, Stowe, Sweasey, Tallmadge, Tivy and Mr. Speaker—33.

So the House refused to adjourn.

On motion of Mr. Stowe, the House took a recess till 5 o'clock, P. M.

FIVE O'CLOCK, P. M.

House re-assembled.

Mr. Ballou, on behalf of the San Francisco and El Dorado delegation, to whom had been referred the petition of George Alexander Smith, reported a bill for an Act to change the name of George Alexander Smith to George Smith Townsend.

Read a first time.

Mr. Mandeville moved to adjourn, whereon Messrs. Herbert, McBrayer, and other members demanded the yeas and nays.

Those who voted to adjourn were—

Messrs. Bostwick, Bradford, Clingan, Ewer, Gilbert, Mandeville, McDaniel, Noel, Spencer, Stowe, Watkins and Mr. Speaker—12.

Those who voted against adjournment were—

Messrs. Ashley, Aylett, Ballou, Briggs, Conness, Davidson, Dawley, Gordon, Hagans, Hollister, Horr, Houghtaling, Hubert, Kellogg, Letcher, McBrayer, McDonald, F. A. Park, J. W. Park, Pratt, Purdy, Ring, Rowan, Stemmons, Springer, Stevenson, Sweasey, Sweetland, Tallmadge and Tivy—30.

So the House refused to adjourn.

Mr. Mandeville moved to take a recess till 10 o'clock, p. m.

Not agreed to.

Mr. Mandeville moved to adjourn.

Not agreed to.

The House then took up Assembly bill No. 42, an Act for the relief of Walter Van Dyke, which was indefinitely postponed on Saturday last, on which occasion Mr. Kellogg moved to reconsider the vote, and

Mr. McBrayer moved to indefinitely postpone the motion to reconsider; pending which motion the House adjourned.

Messrs. Mandeville, Stowe and Houghtaling demanded the yeas and nays.

Those who voted to indefinitely postpone the motion to reconsider were—

Messrs. Ashley, Ballou, Bennett, Briggs, Carrillo, Clingan, Conness, Cornwall, Dannels, Davidson, Dawley, Ewer, Fairfield, Gilbert, Hollister, Hunter, Jones, Kellogg, McBrayer, McDonald, Pratt, Purdy, Springer, Sweasey, Tallmadge, Tivy, Watkins and Mr. Speaker—28.

Those who voted in the negative were—

Messrs. Anderson, Bostwick, Bradford, Burton, Gordon, Hagans, Hastings, Henry, Herbert, Horr, Houghtaling, Hubbard, Letcher, Lindsey, Mandeville, McDuffie, Noel, F. A. Park, J. W. Park, Ring, Rowan, Spencer, Stemmons, Stowe, Sweetland, Warmcastle, Whipple and Whitman—28.

So the motion was lost.

The question recurring on the motion to reconsider the vote by which the bill was indefinitely postponed, Messrs. Mandeville, Hagans and Letcher demanded the yeas and nays.

Those who voted for reconsideration were—

Messrs. Bennett, Bostwick, Burton, Gordon, Hagans, Hastings, Henry, Herbert, Horr, Houghtaling, Letcher, Lindsey, Mandeville, McDuffie, McDaniel, Noel, F. A. Park, J. W. Park, Rowan, Spencer, Stemmons, Stowe, Sweetland, Whipple and Whitman—25.

Those who voted against the motion to reconsider were:

Messrs. Anderson, Ashley, Ballou, Bradford, Briggs, Carrillo, Clingan, Conness, Cornwall, Dannels, Davidson, Dawley, Ewer, Fairfield, Gilbert, Hollister, Hubbard, Hunter, Jones, Kellogg, McBrayer, McDonald, Pratt, Purdy, Springer, Sweasey, Tallmadge, Tivy, Watkins and Mr. Speaker—30.



So the House refused to reconsider the vote by which the bill was indefinitely postponed.

On motion of Mr. Bostwick, the House adjourned until 11 o'clock to-morrow.

## HOUSE OF ASSEMBLY.

TUESDAY, February 21, 1854.

House met pursuant to adjournment.

The roll was called, and the following members were absent :

Messrs. Bagley, Carr, French, Gilbert, Green, Hoff, Musser, McKinney and Rowan. A quorum being present, the Speaker announced the House ready to proceed to business.

The Journal of Monday was read and approved.

On motion, leave of absence was granted to Mr. Van Cleft for one day ; to Mr. O'Neil, for one day ; to Mr. Koll for one day ; to Mr. James for two days, and to Mr. Hunt for two days.

Mr. Ballou presented sundry petitions from citizens praying for the passage of the Maine Liquor Law.

Petition read and referred to special committee, Mr. Letcher, chairman.

Mr. Sweasey presented a petition from sundry citizens upon the same subject.

Read and referred as above to special committee, Letcher, chairman.

Mr. Horr presented a petition from sundry citizens from the counties of Tuolumne and Mariposa, praying for the formation of a new county out of the above named counties.

Mr. Bennett presented a petition from sundry ladies, praying for the passage of the Maine Liquor Law.

Petition read and referred to special committee, of which Mr. Letcher is chairman.

Mr. Bowie presented a petition from the Court of Sessions of Colusi county, praying the Legislature to transfer a claim upon Mr. Morrison to the county of Colusi for purposes therein shown.

Petition read and referred to Committee of Ways and Means.

Mr. Watkins presented a petition from James F. Hibberd protesting against the passage of the Charter for the Town of Alameda.

Petition read and referred to Committee on Corporations.

Mr. Irwin presented sundry petitions from citizens of Butte county praying for a division of the county.

Petitions not read and no order in reference thereto.

Mr. Herbert made the following report :

The Committee of Ways and Means, to whom was referred Assembly bill, No. 133, entitled an Act appropriating money to defray the expenses of the Government of this State, have had the same under consideration, and would report the bill back with the following amendments, to wit : " fill the first blank with the sum of eight hundred thousand dollars, and the second blank with three hundred thousand dollars, and recommend its passage."

Assembly bill reported back from Committee of Ways and Means, 133, an Act appropriating money to defray the expenses of the Government of this State, considered in Committee of the Whole, the amendments adopted, committee rose, reported the bill as amended, and asked to be discharged.

The committee was discharged.

The amendments made in Committee of the Whole were adopted by the House ; And upon motion of Mr. Letcher, the bill was recommitted to the Committee of Ways and Means, with instructions to report a bill making specific appropriations for the support of the Government of this State.

Mr. Ashley made the following report :

The Committee on Education, to whom was referred an Act in relation to the Public Schools in the city of Sacramento, would report that all the benefits sought by this proposed Act may be secured and enjoyed under the present general school law of this State ; each city has the right to regulate and control the detail of all its Public Schools, conforming to a few requirements of general application throughout the State.

Your committee are of opinion, that the minor regulations relating to Common Schools are properly left in the discretion of the city authorities, thus rendering special legislation unnecessary, and people in different parts of the State having diverse wants, to establish such subordinate regulations as their peculiar exigencies may demand.

Further, this Act proposes to incorporate a Board of School Commissioners in Sacramento, and so is, perhaps, obnoxious to our Constitution, which allows special incorporations only for municipal purposes.

In consideration of all which your committee would report the bill back, and recommend that the same do not pass.

D. R. ASHLEY,  
B. F. FAIRFIELD,  
PEDRO C. CARRILLO,  
WM. C. PRATT,  
JOHN C. HENRY,  
G. N. CORNWALL.

Assembly bill reported back by the Committee on Education, as above, on its final passage was lost.

Mr. Ashley made the following report :

The Committee on Education, to whom was referred Joint Resolution, No. 123, relative to lands donated to this State by the United States, have had the same under consideration, and would recommend that the word "and memorial" in the title, and the same words at the end of the second and the third resolutions be struck out,

and that in the 16th line of the preamble, as printed, the word "purposes" be struck out, and the word "agricultural" be changed to "agriculture."

And your committee would recommend the passage of the Joint Resolutions with the preamble.

B. F. FAIRFIELD,  
WM. C. PRATT,  
PEDRO C. CARRILLO,  
JOHN C. HENRY,  
G. N. CORNWALL,  
D. R. ASHLEY.

Assembly Joint Resolution, 123, reported by the Committee on Education, read a third time.

On motion of Mr. Bradford, the third reading was reconsidered ;

And upon motion of Mr. Conness the resolution was laid on the table.

Mr. Conness moved to take up the message from the Senate now, and upon a division of the House, a majority sustained the motion. The Chair decided that it required a two-thirds vote to take up the message before the morning's business was disposed of, as the rules had determined the order of business, from which decision Mr. Conness appealed, and the decision of the Chair was overruled.

The following message was received from the Senate :

I am instructed to inform the Assembly that the Senate have passed a bill for an Act to provide for the permanent location of the Seat of Government of the State of California at Sacramento City.

JOHN Y. LIND,  
Secretary.

Senate bill, No. 39, above reported from the Senate, read a first time.

Mr. Whitman moved to reject the bill.

Messrs. Herbert, Conness and Bagley demanded the previous question.

The House refused to sustain the previous question.

Mr. Irwin moved a call of the House.

The call was not sustained.

Messrs. Whitman, Tallmadge and McBrayer, demanded the yeas and nays.

Those who voted to reject the bill were—

Messrs. Anderson, Bennett, Bowie, Bradford, Carr, Carrillo, Clingan, Cornwall, Dannels, Ewer, Fairfield, Hagans, Hastings, Henry, Herbert, Hubert, Hunter, Irwin, Jones, Kellogg, Mandeville, McDuffie, McDaniel, McGee, Noel, Stemmons, Stowe, Tivy, Warmcastle, Watkins, Whitman and Mr. Speaker—32.

Those who opposed its rejection were—

Messrs. Ashley, Aylett, Bagley, Ballou, Bostwick, Briggs, Burton, Conness, Davidson, Dawley, Gilbert, Godard, Gordon, Griffith, Hollister, Horr, Houghtaling, Hubbard, Letcher, Lindsey, Myres, McBrayer, McDonald, Nichols, F. A. Park, J. W. Park, Pratt, Purdy, Ring, Rowan, Springer, Stevenson, Sweasey, Sweetland and Tallmadge—35.

So the House refused to reject the bill.

On motion of Mr. Bostwick the House adjourned until Thursday next, at 12 o'clock.

## HOUSE OF ASSEMBLY.

THURSDAY, February 23, 1854.

House met pursuant to adjournment.

The roll was called, and the following members were absent :

Messrs. Cornwall, Gilbert, Gordon, Hoff, Nichols and Stemmons.

A quorum being present, the Speaker announced the House ready to proceed to business.

The Journal of Tuesday was read, amended and approved.

Mr. Herbert made the following report :

The Committee of Ways and Means, to whom was referred a bill concerning an Act to exempt from taxation pre-emption and the improvements thereon, have had the same under consideration, and would report it back, and recommend its indefinite postponement.

The bill, on motion of Mr. Hagans, was laid upon the table.

Mr. Tivy made the following report :

The Joint Committee on Enrolled Bills have examined, and find correctly enrolled, the following Acts and Resolutions, viz :

An Act declaring the consent of the State of California to the purchase by the United States of Signor or Mare Island, to relinquish the title and interest of the State in overflowed portions of said island, to vest the jurisdiction over the same in the United States for the purposes therein specified.

An Act to authorize the release of John G. Burcham and his sureties from a recognizance and judgment ;

And a Concurrent Resolution concerning the Pacific Railroad.

Mr. O'Neil made the following report :

The Committee on Engrossment have examined, and find correctly engrossed, An Act to incorporate the City of Oakland.

An Act declaring Mission Creek, in the County of San Francisco, a navigable stream.

An Act to authorize the Governor of this State to convey certain property in the city and county of San Francisco to the United States.

Joint Resolution in reference to the Board of Land Commissioners holding a session at the city of Los Angeles ;

And, an Act to authorize A. H. Murdock and others to build a wharf at the town of Union in Humboldt county.





Dawley, Ewer, Fairfield, Gilbert, Green, Griffith, Hastings, Henry, Hollister, Hubbard, Hubert, Hunt, Irwin, Kellogg, Musser, Myres, McBrayer, McDonald, O'Neil, F. A. Park, Pratt, Purdy, Ring, Rowan, Springer, Sweasey, Tallmadge, Van Cleft and Mr. Speaker—37.

So the House refused to lay on the table.

Mr. Bostwick moved the previous question.

The Speaker put it to the House, "Shall the main question be now put?" and the house decided in the affirmative.

The main question, the passage of the resolution, then came up, and Messrs. Hubbard, Hagans, and Mandeville, demanded the yeas and nays.

Those who voted for the passage of the resolution were—

Messrs. Bowie, Burton, Davidson, Gordon, Hagans, Henry, Herbert, Houghaling, James, Letcher, Lindsey, Mandeville, McDuffie, McGee, Stowe, Watkins and Whitman—17.

Those who opposed its passage were—

Messrs. Anderson, Ashley, Bagley, Ballou, Bostwick, Bradford, Briggs, Carr, Carrillo, Clingan, Conness, Dannels, Dawley, Ewer, Fairfield, Gilbert, Green, Griffith, Hastings, Hollister, Horr, Hubbard, Hubert, Hunt, Hunter, Irwin, Jones, Kellogg, Koli, Musser, Myres, McBrayer, McDonald, McDaniel, Noel, O'Neil, F. A. Park, J. W. Park, Pratt, Purdy, Ring, Spencer, Springer, Stevenson, Sweasey, Sweetland, Tallmadge, Tivy, Van Cleft, Whipple and Mr. Speaker—51.

So the House refused to pass the resolution.

Mr. Whitman moved to adjourn.

Not agreed to.

Mr. Conness moved to lay the message from the Senate on the table.

Agreed to.

On motion of Mr. Conness, Senate bill No. 39, to provide for the removal of the State Capital, was taken up and read a second time.

Mr. Herbert moved to refer the bill to a select committee of five.

Mr. Conness moved to refer to Committee on Public Buildings and Grounds, with instructions to report to-morrow.

Mr. Hunter moved to refer the bill to the Committee of the Whole House, and make it the special order for the first day of April next.

Not agreed to.

Mr. Whitman moved to refer the bill to the Judiciary Committee.

Messrs. Conness, McBrayer and others demanded the previous question.

The Speaker—"Shall the main question be now put?" and the House decided in the affirmative.

The vote was then taken upon the motion of Mr. Whitman and lost.

The question then came up upon the motion of Mr. Conness to refer to Committee on Public Buildings and Grounds, and decided in the affirmative.

Mr. Bradford offered the following:

*Resolved*, That the committee be instructed to report the expense to the State of each removal of the Seat of Government.

To which Mr. Herbert offered the following amendment :

" And the probable expense of the present removal, taking into consideration the time already spent in discussing the present removal. Also, the probable failure of the bond on file from the authorities of said City of Sacramento."

Pending these amendments, on motion, the House adjourned until 11 o'clock to-morrow.

## HOUSE OF ASSEMBLY.

FRIDAY, February 24, 1854.

House met pursuant to adjournment.

The roll was called and the following member was absent : Mr. Hoff. A quorum being present,

The Speaker announced the House ready to proceed to business.

The Journal of Thursday was read and approved.

Mr. Bradford called the attention of the Speaker to the 60th Rule of the House, and stated that the unfinished business of yesterday was the first business in order.

The Speaker decided that the business under consideration when the House adjourned on yesterday, was not now in order until the morning's business was disposed of.

From which decision Mr. Conness appealed ; upon a division there were 27 yeas and 27 nays, and the Speaker decided that the appeal was not sustained.

Mr. Stevenson made the following report from the Committee on Public Buildings and Grounds.

The Committee on Public Buildings and Grounds, to whom was referred the bill entitled an Act to provide for the permanent location of the Seat of Government of the State of California at Sacramento City, beg leave to report that they have had the same under consideration, report it back without amendment, and recommend its passage.

The bill from the Senate above alluded to on its third reading.

Mr. Herbert moved that the House go into Committee of the Whole upon the bill.

Not agreed to.

Mr. Whitman moved to amend the second section as follows: "This Act shall take effect forty days from and after its passage."

Not agreed to.

Mr. Bradford moved to strike out Sacramento and insert Stockton.

Not agreed to.

Mr. Bennett moved to strike out Sacramento and insert Santa Rosa.

Not agreed to.

Mr. Dannels moved to strike out Sacramento and insert Marysville.

Not agreed to.

Mr. Herbert offered the following proviso to the second section:

"That no member of the Senate or Assembly be allowed his per diem during the interem of the adjournment from this place to Sacramento City."

Mr. Stemmons offered the following as an amendment to the amendment of Mr. Herbert:

"And that the clerks and attaches of the Assembly be exempt from the provisions of the foregoing amendment."

Not agreed to.

Mr. Fairfax offered the following as an amendment to the amendment:

"And that Sacramento City shall be relieved from any responsibility which she may have incurred through propositions made to this Legislature."

Upon which amendment Messrs. Bradford, Irwin and James demanded the yeas and nays.

Those who voted for the amendment were—

Messrs. Bowie, Carr, Carrillo, Clingan, Dannels, Henry, Herbert, Hubert, Hunter, Irwin, James, Jones, Kellogg, McDuffie, Spencer, Stemmons, Watkins, Whitman, and Mr. Speaker—19.

Those who opposed the amendment were—

Messrs. Anderson, Ashley, Aylett, Bagley, Ballou, Bostwick, Bradford, Briggs, Burton, Conness, Cornwall, Davidson, Dawley, Ewer, Gilbert, Godard, Gordon, Green, Griffith, Hagans, Hastings, Hollister, Horr, Houghtaling, Hubbard, Hunt, Koll, Letcher, Lindsey, Mandeville, Musser, Myres, McBrayer, McDonald, McDaniel, McGee, Nichols, Noel, O'Neil, F. A. Park, J. W. Park, Pratt, Purdy, Ring, Rowan, Springer, Stevenson, Stowe, Sweasey, Sweetland, Tallmadge, Tivy, Van Cleft, and Whipple—54.

So the House refused to adopt the amendment.

Mr. Bostwick moved the previous question.

Mr. Speaker, "Shall the main question be now put?"

And the House decided in the affirmative.

The question was then taken on the amendment offered by Mr. Herbert, and Messrs. James, Hunter, and Fairfax demanded the yeas and nays.

Those who voted for the amendment were—



Messrs. Anderson, Bowie, Bradford, Carr, Carrillo, Clingan, Cornwall, Dannels, Ewer, Fairfield, Hastings, Henry, Herbert, Hunter, Irwin, James, Jones, Kellogg, Koll, McDuffie, McDaniel, Noel, Spencer, Stemmons, Stowe, Tivy, Watkins, Whipple, Whitman, and Mr. Speaker—30.

Those who opposed the amendment were—

Messrs. Ashley, Aylett, Bagley, Ballou, Bennett, Bostwick, Burton, Conness, Davidson, Dawley, French, Gilbert, Godard, Green, Griffith, Hollister, Horr, Houghtaling, Hubbard, Hubert, Hunt, Letcher, Lindsey, Mandeville, Musser, Myres, McBrayer, McDonald, McGee, Nichols, O'Neil, F. A. Park, J. W. Park, Pratt, Purdy, Ring, Rowan, Springer, Stevenson, Sweasey, Sweetland, Tallmadge, Van Cleft, and Warmcastle—45.

So the House refused to adopt the amendment.

Mr. Stowe offered an amendment to the bill.

The Speaker decided that no motion could be entertained under the previous question, except to read the bill a third time,

From which decision Mr. Stowe appealed.

The decision of the Chair was sustained.

The bill was then read a third time.

Mr. Whitman offered the following :

“ Re-commit with instructions to amend, by striking out the words ‘ one day from and after its passage,’ and inserting ‘ upon the fifteenth day of June next.’ ”

Mr. Griffith demanded the previous question.

Mr. Mandeville moved a call of the House.

The call was not sustained.

Upon the motion for the previous question Messrs. Mandeville, Hastings and Hagans demanded the yeas and nays.

Those who voted to sustain the previous question were—

Messrs. Aylett, Bagley, Ballou, Bostwick, Briggs, Burton, Conness, Davidson, Dawley, Ewer, French, Gilbert, Godard, Green, Griffith, Hollister, Horr, Houghtaling, Hubbard, Koll, Letcher, Lindsey, Musser, Myres, McBrayer, McDonald, McGee, Nichols, O'Neil, F. A. Park, J. W. Park, Pratt, Purdy, Ring, Springer, Stevenson, Sweasey, Sweetland, Tallmadge, and Van Cleft—40.

Those who opposed the previous question were—

Messrs. Anderson, Ashley, Bennett, Bowie, Bradford, Carr, Carrillo, Clingan, Cornwall, Dannels, Fairfield, Gordon, Hagans, Hastings, Henry, Herbert, Hubert, Hunt, Hunter, Irwin, James, Jones, Kellogg, Mandeville, McDuffie, McDaniel, Noel, Rowan, Spencer, Stemmons, Stowe, Tivy, Warmcastle, Watkins, Whipple, Whitman, and Mr. Speaker—37.

So the House sustained the previous question.

Mr. Whitman's motion to re-commit was considered and lost.

The question then came up upon the final passage of the bill and Messrs. Jones, McBrayer and Bradford demanded the ayes and nays.

Those who voted for the passage of the bill were—

Messrs. Aylett, Bagley, Ballou, Bostwick, Briggs, Burton, Conness, Davidson, Dawley, Gilbert, Gordon, Green, Griffith, Hollister, Horr, Houghtaling, Hubbard, Koll, Letcher, Lindsey, Musser, Myres, McBrayer, McDonald, Nichols, O'Neil, F. A. Park, J. W. Park, Pratt, Purdy, Ring, Rowan, Springer, Stevenson, Sweasey, Sweetland, Tallmadge, Van Cleft and Whitman—39.

Those who voted against the passage of the bill were :

Messrs. Anderson, Bennett, Bowie, Bradford, Carr, Carrillo, Clingan, Cornwall, Dannels, Ewer, Fairfield, Hagans, Hastings, Henry, Herbert, Hubert, Hunt, Hunter, Irwin, James, Jones, Kellogg, Mandeville, McDuffie, McDaniel, McGee, Noel, Spencer, Stemmons, Stowe, Tivy, Warmcastle, Watkins, Whipple and Mr. Speaker—35.

So the bill passed.

Mr. Whitman gave notice that he would move a reconsideration of the vote which passed the bill for removal, on to-morrow.

On motion of Mr. Bostwick, the House adjourned until 11 o'clock to-morrow.

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## HOUSE OF ASSEMBLY.

SATURDAY, February 25, 1854.

House met pursuant to adjournment.

The roll was called, and the following members were absent :

Messrs Aylett, Bennett, Hoff, Hunt, Irwin and Letcher; a quorum being present, The Speaker announced the House ready to proceed to business.

The Journal of Friday was read and approved.

On motion, one days leave of absence was granted to Mr. Bennett; to Mr. Letcher for six days; to Mr. Hunt for two days; to Mr. McKinney for two days.

Mr. Mandeville presented a petition from sundry citizens of Tuolumne county, protesting against a division of Tuolumne county.

Read and referred to Committee on Counties and County Boundaries.

Mr. Horr presented a petition from John F. Mason and others, praying for the privilege of building a wharf in the bay of San Francisco.

Petition read and referred to Committee on Commerce and Navigation.

Mr. Henry presented a petition from many citizens of Mariposa county, in relation to the formation of a new county.

Petition read and referred to Committee on Counties and County Boundaries.

Mr. Bradford presented a petition from M. Wilthall, praying for the passage of a law to secure title to settlers on the overflowed lands in San Joaquin county, who have complied with possessory Act.

Petition read and referred to Committee on Public Lands.

Mr. Herbert made the following report :

Committee on Ways and Means, to whom referred a petition from the citizens of Colusi county, have had the same under consideration, and beg leave to report it back to the House, and recommend that it be referred to the delegation from that county.

Petition referred to the delegation from Colusi county.

Mr. Whitman, agreeable to notice, moved to reconsider the vote of yesterday which passed the bill to remove the State Capital.

On which motion Messrs. Mandeville, Bradford and Carr demanded the yeas and nays.

Those who voted to reconsider were :

Messrs. Anderson, Ashley, Bowie, Bradford, Carr, Carrillo, Clingan, Cornwall, Dannels, Ewer, Fairfield, Hagans, Hastings, Henry, Herbert, Hubert, Hunter, Irwin, James, Jones Kellogg, Mandeville, McDuffie, McGee, Noel, Spencer, Stemmons, Stowe, Tivy, Warmcastle, Watkins, Whitman and Mr. Speaker—33.

Those who opposed a reconsideration were :

Messrs. Aylett, Bagley, Ballou, Bostwick, Briggs, Burton, Conness, Davidson, Dawley, Gilbert, Godard, Gordon, Green, Griffith, Hollister, Horr, Houghtaling, Hubbard, Koll, Lindsey, Musser, Myres, McBrayer, McDonald, Nichols, O'Neil, F. A. Park, J. W. Park, Pratt, Purdy, Rowan, Springer, Stevenson, Sweasey, Sweetland, Tallmadge, Van Cleft and Whipple—38.

So the House refused to reconsider the vote.

Mr. Conness offered a Concurrent Resolution, that when this House adjourn to-day, that they meet in Sacramento at 12 o'clock on Wednesday next.

Adopted.

Mr. Burton offered the following, which was unanimously adopted :

*Resolved*, That by unanimous consent of the House, one days *per diem* of each member be given to the Speaker, with a request to forward the same to the Treasurer of the Washington Monument Association as a contribution from the Assembly of California.

On motion of Mr. Irwin, Assembly bill No. 119, was taken up ; a substitute adopted.

The substitute considered as engrossed, read a third time and passed.

The following message was received from the Senate :

I am instructed to inform the Assembly that, on the 23d inst., the Senate passed a bill for an Act for the relief of John F. Hays, and, on yesterday, a Concurrent Resolution granting leave of absence to the Hon. Delos Lake.

All of which is respectfully submitted.

JOHN Y. LIND,  
Secretary.

Senate bill, No. 64, for the relief of John F. Hays, read a first time, and ordered to a second reading on to-morrow.

Senate Concurrent Resolution granting leave of absence to the Hon. Delos Lake. Concurred in.

The following message was received from the Senate :

I am instructed to inform the Assembly that the Senate have, this day, concurred in Assembly Resolution to adjourn to meet in Sacramento on Wednesday next.

JOHN Y. LIND,  
Secretary.

On motion of Mr. Stowe, Assembly bill, No. 139, an Act to create the office of State Printer, was read a second time and referred to Committee on Printing.

On motion of Mr. Tallmadge, Assembly bill, No. 129, an Act to amend an Act to provide for the Public Printing, was read a second time and referred to Committee on Printing.

Mr. Horr, gave notice that, at an early day, he would introduce a bill granting permission to John F. Mason, and others, the right to construct a wharf at the end of Greenwich street in San Francisco.

Mr. Tivy made the following report :

The Committee on Enrolled Bills have examined, and found correctly enrolled the following acts, viz :

An Act to provide for the permanent location of the Seat of Government of the State of California at Sacramento City.

Also, an Act to provide for holding terms of the District Court in Tulare county.

On motion of Mr. Whipple, Assembly bill, No. 120, to amend an Act entitled an Act to regulate proceedings in criminal cases in the Courts of Justice, was taken from the table, and re-committed to the Judiciary Committee.

Mr. Whitman offered the following, which was adopted :

*Resolved*, That the thanks of the members of the Assembly be extended to Jesse Sawyer, Esq., the agent of Adams & Co.; and also J. C. Gulick, Esq., agent of Wells, Fargo & Co., in Benicia, for the uniform urbanity, courtesy and liberality towards the members of this House, and all persons connected therewith, in the discharge of the affairs of their offices.

Mr. Ashley introduced a bill for an Act to establish and regulate Common Schools and to repeal former acts concerning the same.

Read a first time and 240 copies ordered to be printed.



Mr. Kellogg offered the following, which was adopted :

*Resolved*, That the Committee of Ways and Means be instructed to report back, to the House, a bill to provide for the expenses of the State Government for the ensuing fiscal year.

Mr. Bostwick offered the following, which was adopted :

*Resolved*, That the Sergeant-at-Arms have the general supervision of the property of the State, now in his charge, during the removal to Sacramento.

Mr. Tivy, chairman, made the following report :

The Joint Committee on Enrolled Bills report, that they have, this day, presented to his Excellency, the Governor, for his approval, the following Acts :

An Act to authorize the release of John G. Burcham, and his sureties, from a recognizance and judgment.

An Act declaring the consent of the Legislature of the State of California, to the purchase by the United States of Signor or Marc Island, to relinquish the title and interest of the State in overflowed portions of said Island, and to vest the jurisdiction over the same in the United States, for the purposes therein specified.

An Act to provide for the permanent location of the Capital of the State of California at Sacramento City.

An Act to provide for holding terms of the District Court in Tulare county.

On motion of Mr. Bradford, the House adjourned to meet at Sacramento, on Wednesday next, at 12 o'clock.

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## HOUSE OF ASSEMBLY.

SACRAMENTO CITY, WEDNESDAY, March 1, 1854.

House met pursuant to adjournment.

The roll was called and over fifty members answered to their names.

A quorum being present, the Speaker announced the House ready to proceed to business.

On motion, the absent members had leave granted for one day.

On motion, the House adjourned until 12 o'clock, on Friday next

## HOUSE OF ASSEMBLY.

FRIDAY, March 3, 1854.

House met pursuant to adjournment.

The roll was called and the following members were absent: Messrs. Aylett, Bagley, Ballou, Bennett, Bowie, Clingan, Ewer, French, Gilbert, Hoff, Hubbard, Hubert, Irwin, Jones, Letcher, Stevenson, Sweetland, Warmcastle and Whitman; a quorum being present,

The Speaker announced the House ready to proceed to business.

The Journals of Saturday and Wednesday were read, amended and approved.

On motion, leave of absence was granted to Messrs. Aylett, Bennett, Whitman, Sweetland, Ballou, Stevenson, Hubert, Hubbard, Irwin, Warmcastle and Ewer for two days each; and indefinite leave was granted to Mr. French in consequence of ill health.

Mr. Stowe presented a petition numerously signed by citizens of Monterey and Santa Clara, praying for a law to authorise the construction of a Toll Bridge across the Pajaro.

Petition referred to Committee on Roads and Highways, with instructions to report a bill.

Mr. Herbert, chairman, reported back Assembly bill 133, to appropriate revenue for the support of Government, without amendment.

On motion of Mr. Ashley, the House resolved itself into Committee of the Whole, Mr. Mandeville in the chair, to consider the bill.

On motion, committee rose, reported the bill back without amendment, and the committee was discharged.

On motion, the bill was recommitted to the Committee of Ways and Means, with instructions to report a bill with specific appropriations.

Mr. Stowe gave notice that he would, at an early day, introduce a bill to amend an Act entitled an Act concerning Divorces, passed March 25, 1851.

Mr. Griffith gave notice that on to-morrow he would introduce a bill for an Act in relation to township Public Schools and the support thereof.

Mr. O'Neil offered the following:

*Whereas*, The Baptist denomination have no place of worship by reason of the late conflagration in Sacramento, *Therefore*,

*Resolved*, That the use of the Assembly Chamber be tendered to the Baptists of this city, every Sunday, until otherwise ordered.

Mr. Green moved to indefinitely postpone the resolution.

Not agreed to.

Mr. Tallmadge moved to amend by inserting the words "for morning service" before the word every.

Not agreed to.

Mr. McKenney offered the following as an amendment:

"And after said service said Baptist denomination shall leave the Hall in the same condition as they found it."

Not agreed to.

On the final vote upon the resolution offered by Mr. O'Neil, Messrs. McBrayer, James and Watkins demanded the yeas and nays.

Those who voted for the resolution were—

Messrs. Anderson, Bostwick, Bowie, Bradford, Briggs, Burton, Davidson, Dawley, Fairfield, Godard, Gordon, Hagans, Hastings, Henry, Hollister, Horr, Houghtaling, Hunt, Hunter, James, Koll, Lindsey, Mandeville, Musser, McBrayer, McDonald, McDuffie, McDaniel, McGee, Nichols, O'Neil, F. A. Park, J. W. Park, Pratt, Rowan, Spencer, Stemmons, Stowe, Tivy, Van Cleft and Whipple—41.

Those who opposed the resolution were—

Messrs. Ashley, Ballou, Carr, Carrillo, Conness, Cornwall, Dannels, Green, Hoff, Hubert, Kellogg, McKenney, Noel, Purdy, Ring, Springer, Sweasey, Tallmadge, Watkins, and Mr. Speaker—20.

So the resolution was adopted.

Mr. Noel gave notice that he would, on to-morrow, introduce a bill to legalize assessments in the county of San Diego.

Mr. Bradford gave notice that, at an early day, he would introduce a bill for an Act to appropriate money to meet the current annual expenses of the State Insane Asylum.

Mr. Sweasey gave notice that, at an early day, he would introduce a bill similar to the Maine Liquor Law, adapted to the State of California.

Mr. Bostwick offered the following, which was adopted :

*Resolved*, That the Sergeant-at-Arms be and is hereby authorised to contract with the Postmaster at the City of Sacramento, and to the Express offices, for the pay of postage, and the delivery of postal matter to and from the members and officers of the Assembly.

Mr. Horr introduced a bill, an Act to authorise John F. Mason and others to build a wharf at the end of Greenwich street, in the City of San Francisco, in the bay of San Francisco.

Read a first time and ordered to a second reading on to-morrow.

Mr. F. A. Park introduced a bill, an Act concerning Poll Tax ; while reading a first time Mr. Fairfield moved to dispense with the further reading, and upon a division of the House only 32 members voted—27 yea and 5 nay.

The Speaker decided that less than a quorum voting would not pass a measure, From which decision Mr. Stowe appealed.

Mr. Bradford moved to lay the appeal upon the table.

Agreed to.

On motion of Mr. Bradford, the House adjourned until 11 o'clock to-morrow.

## HOUSE OF ASSEMBLY.

SATURDAY, March 4, 1854.

House met pursuant to adjournment.

The roll was called, and the following members were absent : Messrs. Bagley, Bowie, Clingan, Griffith, Hoff, James, McBrayer, Purdy, and Rowan.

The Journal of Friday was read and approved.

On motion, leave of absence was granted to Mr. James for one day ; to Mr. Clingan for two days.

Mr. Dannels presented a petition numerously signed by citizens of Yuba county, recommending the election of a United States Senator by the present Legislature.

Petition read and referred to delegation from Yuba county.

Mr. McDaniel presented a petition numerously signed by citizens of Calaveras county, protesting against the present Legislature electing a United States Senator.

Petition read.

Mr. Mandeville presented a petition from many citizens of Tuolumne county, protesting against the present Legislature electing a United States Senator.

Petition read.

Mr. Hastings presented several petitions from citizens of Sutter county, protesting against the present Legislature electing a United States Senator.

Petition read.

Mr. McGee presented a petition numerously signed by citizens of Butte county, protesting against the election of a United States Senator at this session of the Legislature.

Petition read.

Mr. O'Neil, chairman, made the following report :

The Committee on Engrossed Bills have examined, and found correctly engrossed, an Act to organize the county of Plumas, out of the territory of Butte county.

On motion of Mr. Tallmadge, the following message from the Senate was taken from the table :

I am instructed by the Senate to inform the Assembly, that the Senate passed on the 20th, Assembly bill for an Act to prevent the sale of fire-arms and ammunition to Indians in this State, with an amendment as therein shown.

On the 21st, they passed Assembly bill for an Act to abolish the Board of Supervisors in and for the county of Santa Clara, with an amendment as therein shown.

They also passed Assembly bill for an Act fixing the time of holding the several Courts of Alameda county.

They also passed, the same day, the following Senate bills :

An Act to change the name of Charles Turner Kelly to Charles Turner Kelly Tracy.

An Act amendatory of an Act defining the time of commencing Civil Actions.



And an Act to amend an Act concerning Officers, passed April 28, 1851, a substitute for Assembly bill No. 75.

They also passed a Concurrent Resolution inviting Major General John E. Wool and Ex-Governor Foote, of Mississippi, to visit the Capital.

All of which is respectfully submitted.

JOHN Y. LIND,  
Secretary.

The House refused to concur in Senate amendment to Assembly bill, No. 80, an Act to prevent the sale of fire-arms and ammunition to Indians in this State, and asked a committee of free conference, and appointed on the part of the Assembly, Messrs. Whipple, Hoyt and Bradford.

The House concurred in the amendment made by the Senate to Assembly bill No. 104, an Act to abolish the Board of Supervisors in and for the county of Santa Clara.

Senate bill No. 59, an Act to change the name of Charles Turner Kelly to Charles Turner Kelly Tracy.

Read a first and second time.

Mr. Mandeville moved to refer to Judiciary Committee.

Not agreed to.

Mr. Ballou moved to refer to Committee on Corporations.

Not agreed to.

Mr. Hoyt moved its reference to a special committee of three.

Not agreed to.

Senate bill No. 51, a bill for an Act amendatory of an Act defining the time for commencing Civil Actions.

Read a first time, and 240 copies ordered to be printed.

Senate bill No. 52, an Act to amend an Act entitled an Act concerning Officers, passed April 28, 1851.

Read a first time, and ordered to a second reading on to-morrow.

Senate Concurrent Resolution, inviting General Wool and Ex-Governor Foote to visit the Capital.

Read, and, on motion, laid upon the table.

The Speaker laid before the House a communication from the Surveyor General of the United States, which was read.

Senate bill No. 64, an Act for the relief of John F. Hayes,

Read a second time and referred to Committee on Claims.

Assembly bill No. 143, an Act to authorize John F. Mason and others to build a wharf at the end of Greenwich street, in the city of San Francisco.

Read a second time, and referred to Committee on Commerce and Navigation.

Assembly bill No. 128, an Act to amend an Act entitled an Act to prohibit the erection of weirs or other obstructions to the run of salmon, passed April 12, 1852.

Read a second time, and referred to Committee on Commerce and Navigation.

Assembly Joint Resolution No. 132, in relation to the acquisition by the United States of Sonora and contiguous territory

Read a second time, and referred to Committee on Federal Relations.

Assembly bill No. 130, an Act authorizing persons to erect dams across the Tuolumne river.

Read a second time, and referred to Committee on Commerce and Navigation.

Assembly bill No. 135, an Act to change the name of George Alexander Smith, to George Smith Townsend.

Read a second time, and referred to delegation from San Francisco.

Assembly bill No. 134, an Act supplementary to an Act to provide for the lien of mechanics and others, passed April 12, 1850.

Read a second time, and referred to Judiciary Committee.

Assembly bill No. 137, an Act to amend an Act entitled an Act for the protection of Foreigners, and to define their rights and privileges.

Read a second time, and referred to Committee on Mines and Mining Interests.

Assembly bill No. 138, an Act amendatory of an Act entitled an Act to establish a system of Common Schools, passed May 3, 1852.

Read a second time, and referred to Committee on Education.

Assembly bill No. 136, an Act to authorize Stephen K. Nurse to build a wharf in the county of Solano.

Read a second time, and referred to Committee on Commerce and Navigation.

Assembly bill No. 141, an Act concerning Roads and Highways.

Read a second time, and referred to Committee on Roads and Highways.

Mr. Bowie introduced a bill, No. 145, an Act to extend an Act for the protection of Game to the county of Colusi.

Read a first time and ordered to a second reading on to-morrow.

Mr. Noel introduced a bill, No. 146, an Act to legalize Assessments in the county of San Diego.

Read a first and second time and referred to Committee of Ways and Means.

Mr. Sweasey introduced a bill for an Act concerning the manufacture and sale of spirituous or intoxicating liquors.

Read a first time and ordered to a second reading on to-morrow.

On motion of Mr. Kellogg, the House adjourned until 11 o'clock on Monday next.

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## HOUSE OF ASSEMBLY.

MONDAY, March 6, 1854.

House met pursuant to adjournment.

The roll was called, and the following members were absent :

Messrs. Bagley, Davidson, Gilbert, Hoyt, Irwin, Letcher, Musser, McKinney, and Nichols.

The Journal of Saturday was read, amended and approved.

Mr. Ewer presented a petition from citizens of Butte, numerous signed, protesting against an election of Senator of the United States during this session of the Legislature

Mr. Myres presented a petition, numerous signed by citizens of Placer county, in favor of electing a United States Senator by the present Legislature.

Mr. Hoff presented several petitions from citizens of Tuolumne county, in favor of electing a United States Senator by the present Legislature.

Referred to delegation from Tuolumne.

Mr. Mandeville presented a petition from many citizens of Tuolumne county, protesting against the election of a United States Senator by the present Legislature.

This petition, and other petitions heretofore presented by Mr. Mandeville, referred to delegation from Tuolumne.

Mr. Godard presented a petition from sundry citizens of Tuolumne county, in favor of the election of a United States Senator by the present Legislature.

Read and referred to delegation from Tuolumne.

Mr. Hoyt presented a petition numerous signed by citizens of Tuolumne county, in favor of electing a United States Senator by the present Legislature.

Read and referred to delegation from Tuolumne.

Mr. Sweetland presented a petition numerous signed by citizens of Nevada county, protesting against the election of a United States Senator by the present Legislature.

Read and referred to the delegation from Nevada county.

Mr. Dawley presented a petition from sundry citizens of Nevada county, in favor of the election of a United States Senator by the present Legislature.

Petition read and referred to the delegation from Nevada county.

Mr. Sweetland presented a letter from two citizens of Nevada, requiring their names to be stricken from a petition, which was presented by Mr. Dawley, in favor of an election of U. S. Senator.

Read and referred to the delegation from Nevada.

Mr. Conness presented a petition from sundry citizens of El Dorado, in favor of the election of a United States Senator by the present Legislature.

Read and referred to delegation from El Dorado.

Mr. Hastings presented a petition from many citizens of Sutter county, protesting against the election of a United States Senator by the present Legislature.

The hour of twelve having arrived, the Speaker announced the special order of the day, which was a bill to fix the time of the election of a United States Senator.

On motion of Mr. Myres, the House resolved itself into Committee of the Whole, Mr. Bostwick in the chair, to consider the bill; after spending some time in its consideration, and amending the same,

On motion, the committee rose, reported the bill as amended, and asked to be discharged.

Committee was discharged.

On the adoption of the amendment made in Committee of the Whole, Messrs. Jones, Hubbard and James demanded the yeas and nays.

Mr. J. W. Park moved a call of the House.

The call was not sustained.

Mr. French demanded the previous question, which was seconded.

Mr. Mandeville moved a call of the House, and Messrs. Mandeville, Hagans and Hubbard demanded the yeas and nays.

Those who voted to sustain the call were—

Messrs. Anderson, Aylett, Bennett, Bostwick, Bowie, Bradford, Burton, Carr, Carrillo, Cornwall, Ewer, Gordon, Hagans, Hastings, Henry, Herbert, Hoff, Horr, Houghtaling, Hubert, Hunter, James, Lindsey, Mandeville, McDuffie, McDaniel, McGee, McKenny, Noel, J. W. Park, Stemmons, Stevenson, Stowe, Sweetland, Tivy, Warmcastle, Watkins, Whipple, Whitman and Mr. Speaker—40.



Those who opposed a call of the House were—

Messrs. Ashley, Bagley, Ballou, Briggs, Clingan, Conness, Dannels, Davidson, Dawley, Fairfield, French, Gilbert, Godard, Green, Griffith, Hollister, Hoyt, Hubbard, Hunt, Irwin, Jones, Kellogg, Koll, Musser, Myres, McBrayer, McDonald, Nichols, O'Neil, F. A. Park, Pratt, Purdy, Ring, Rowan, Spencer, Springer, Sweasey, Tallmadge and Van Cleft—39.

So the House sustained the call.

The roll was then called, and the following members were absent :

Messrs. Herbert and Letcher.

Mr. Irwin moved to dispense with further proceedings under the call, and Messrs. Mandeville and others demanded the yeas and nays.

Those who voted to dispense with further proceedings under the call were—

Messrs. Ashley, Bagley, Ballou, Bostwick, Briggs, Clingan, Conness, Dannels, Davidson, Dawley, Fairfield, French, Gilbert, Godard, Green, Griffith, Hoff, Hollis, ter, Horr, Hoyt, Hubbard, Hunt, Irwin, Jones, Kellogg, Koll, Musser, Myres, McBrayer, McDonald, Nichols, O'Neil, F. A. Park, Pratt, Purdy, Ring, Rowan, Spencer, Springer, Stevenson, Sweasey, Tallmadge and Van Cleft—43.

Those who voted nay were—

Messrs. Anderson, Aylett, Bennett, Bowie, Bradford, Burton, Carr, Carrillo, Cornwall, Ewer, Gordon, Hagans, Hastings, Henry, Houghtaling, Hubert, Hunter, James, Lindsey, Mandeville, McDuffie, McDaniel, McGee, McKinney, Noel, J. W. Park, Stemmons, Stowe, Sweetland, Tivy, Warmcastle, Watkins, Whipple, Whitman and Mr. Speaker—35.

So the House dispensed with further proceedings under the call.

Mr. Whitman moved to adjourn.

Messrs. Hoff, Van Cleft and Briggs demanded the yeas and nays.

Those voting to adjourn were—

Messrs. Anderson, Aylett, Bennett, Bostwick, Bowie, Bradford, Burton, Carr, Carrillo, Cornwall, Ewer, Gordon, Hagans, Hastings, Henry, Herbert, Houghtaling, Hubert, Hunter, James, Lindsey, Mandeville, McDuffie, McDaniel, McGee, McKinney, Noel, J. W. Park, Stemmons, Stowe, Sweetland, Tivy, Warmcastle, Watkins, Whipple, Whitman and Mr. Speaker—37.

Those opposed to adjourning were—

Messrs. Ashley, Bagley, Ballou, Briggs, Clingan, Conness, Dannels, Davidson, Dawley, Fairfield, French, Gilbert, Godard, Green, Griffith, Hoff, Hollister, Horr, Hoyt, Hubbard, Hunt, Irwin, Jones, Kellogg, Koll, Musser, Myres, McBrayer, McDonald, Nichols, O'Neil, F. A. Park, Pratt, Purdy, Ring, Rowan, Spencer, Springer, Stevenson, Sweasey, Tallmadge and Van Cleft—42.

So the House refused to adjourn.



The question was then taken upon the motion of Mr. French for the previous question, and

Messrs. Conness, Hoff and Hubbard demanded the yeas and nays.

## YEAS.

Messrs. Ashley, Bagley, Ballou, Briggs, Clingan, Conness, Dannels, Davidson, Dawley, Fairfield, French, Gilbert, Godard, Green, Hoff, Hollister, Horr, Hoyt, Hubbard, Hunt, Irwin, Jones, Kellogg, Koll, Musser, Myres, McBrayer, McDonald, Nichols, O'Neil, F. A. Park, Pratt, Purdy, Ring, Rowan, Spencer, Springer, Sweasey, Tallmadge and Van Cleft—40.

## NAYS.

Messrs. Anderson, Aylett, Bennett, Bowie, Bradford, Burton, Carr, Carrillo, Cornwall, Ewer, Gordon, Hagans, Hastings, Henry, Herbert, Houghtaling, Hubert, Hunter, James, Lindsey, Mandeville, McDuffie, McDaniel, McGee, McKinney, Noel, J. W. Park, Stemmons, Stevenson, Stowe, Sweetland, Tivy, Warmcastle, Watkins, Whipple, Whitman and Mr. Speaker—37.

So the previous question was sustained.

The question was then taken upon the amendment made in Committee of the Whole, and

Messrs. Hubbard, Hoyt and James demanded the yeas and nays.

## YEAS.

Messrs. Ashley, Bagley, Ballou, Briggs, Clingan, Conness, Dannels, Davidson, Dawley, Fairfield, French, Gilbert, Godard, Green, Griffith, Hoff, Hollister, Horr, Hoyt, Hubbard, Hunt, Irwin, Jones, Kellogg, Koll, Musser, Myres, McBrayer, McDonald, Nichols, O'Neil, F. A. Park, Pratt, Purdy, Ring, Rowan, Spencer, Springer, Sweasey, Tallmadge and Van Cleft—41.

## NAYS.

Messrs. Anderson, Aylett, Bennett, Bowie, Bradford, Burton, Carr, Carrillo, Cornwall, Ewer, Gordon, Hagans, Hastings, Henry, Herbert, Houghtaling, Hubert, Hunter, James, Lindsey, Mandeville, McDuffie, McDaniel, McGee, McKinney, Noel, J. W. Park, Stemmons, Stevenson, Stowe, Sweetland, Tivy, Warmcastle, Watkins, Whipple, Whitman and Mr. Speaker—37.

So the House adopted the amendment to the bill.

The bill was then read a third time.

Mr. Bradford moved to adjourn, and

Messrs. O'Neil, Springer and Kellogg demanded the yeas and nays.

## YEAS.

Messrs. Anderson, Aylett, Bennett, Bowie, Bradford, Burton, Carr, Carrillo, Cornwall, Ewer, Gordon, Hagans, Hastings, Henry, Herbert, Houghtaling, Hubert, Hunter, James, Lindsey, Mandeville, McDuffie, McDaniel, McGee, McKinney, Noel, J. W. Park, Stemmons, Stevenson, Stowe, Sweetland, Tivy, Warmcastle, Whipple, Whitman and Mr. Speaker—36.

## NAYS.

Messrs. Ashley, Bagley, Ballou, Briggs, Clingan, Conness, Dannels, Davidson, Dawley, Fairfield, French, Gilbert, Godard, Green, Griffith, Hoff, Hollister, Horr, Hoyt, Hubbard, Hunt, Irwin, Jones, Kellogg, Koll, Musser, Myres, McBrayer, McDonald, Nichols, O'Neil, F. A. Park, Pratt, Purdy, Ring, Rowan, Spencer, Springer, Sweasey, Tallmadge, Van Cleft, and Watkins—42.

So the House refused to adjourn.

Mr. O'Neil moved the previous question.

Mr. Whitman moved a call of the House.

Not agreed to.

Upon the previous question,

Messrs. Conness, Hoff and Springer demanded the yeas and nays.

## YEAS.

Messrs. Ashley, Bagley, Ballou, Briggs, Clingan, Conness, Dannels, Davidson, Dawley, Fairfield, French, Gilbert, Godard, Green, Griffith, Hoff, Hollister, Horr, Hoyt, Hubbard, Hunt, Irwin, Jones, Kellogg, Koll, Musser, Myres, McBrayer, McDonald, Nichols, F. A. Park, Pratt, Purdy, Ring, Rowan, Spencer, Springer, Sweasey, Tallmadge and Van Cleft—40.

## NAYS.

Messrs. Anderson, Aylett, Bennett, Bostwick, Bowie, Bradford, Burton, Carr, Carrillo, Cornwall, Ewer, Gordon, Hagans, Henry, Herbert, Houghtaling, Hubert, Hunter, Lindsey, Mandeville, McDuffie, McDaniel, McGee, McKinney, Noel, J. W. Park, Stemmons, Stevenson, Stowe, Sweetland, Tivy, Warmcastle, Watkins, Whipple, Whitman and Mr. Speaker—36.

So the House sustained the previous question.

On the final passage of the bill,

Messrs. Mandeville, O'Neil and James demanded the yeas and nays.

## YEAS.

Messrs. Ashley, Bagley, Ballou, Briggs, Clingan, Conness, Dannels, Davidson, Dawley, Fairfield, French, Gilbert, Godard, Green, Griffith, Hoff, Hollister, Horr, Hoyt, Hubbard, Hunt, Irwin, Jones, Kellogg, Koll, Musser, Myres, McBrayer, McDonald, Nichols, O'Neil, F. A. Park, Pratt, Purdy, Ring, Rowan, Spencer, Springer, Sweasey, Tallmadge and Van Cleft—41.

## NAYS.

Messrs. Anderson, Aylett, Bennett, Bostwick, Bowie, Bradford, Burton, Carr, Carrillo, Cornwall, Ewer, Gordon, Hagans, Hastings, Henry, Herbert, Houghtaling, Hubert, Hunter, James, Lindsey, Mandeville, McDuffie, McDaniel, McGee, McKinney, Noel, J. W. Park, Stemmons, Stevenson, Stowe, Sweetland, Tivy, Warmcastle, Watkins, Whipple, Whitman, and Mr. Speaker—38.

So the bill passed.

Mr. Herbert gave notice that he would move a reconsideration on tomorrow.

Mr. Hoyt insisted that he, and not Mr. Herbert, was entitled to the floor.

The Speaker decided that Mr. Herbert was entitled to the floor,

From which decision Mr. Hoyt appealed.

The Speaker—"Shall the decision of the Chair stand as the judgment of the House?"

Upon which Messrs. Hubbard and others demanded the yeas and nays.

Those who voted to sustain the Chair were—

Messrs. Anderson, Bennett, Bostwick, Bradford, Carr, Carrillo, Clingan, Cornwall, Hagans, Hastings, Henry, Houghtaling, Hubert, James, Mandeville, McDuffie, McDaniel, McKenny, Nichols, Noel, J. W. Park, Stemmons, Stowe, Tivy, and Whitman—25.

#### NAYS.

Messrs. Ashley, Bagley, Ballou, Briggs, Dannels, Davidson, Dawley, Fairfield, French, Gilbert, Godard, Griffith, Hubbard, Hunt, Kellogg, Koli, Myres, McBrayer, McDonald, O'Neil, F. A. Park, Pratt, Purdy, Ring, Springer, Sweasey, Tallmadge, and Van Cleft—28.

So the decision of the Speaker was overruled.

On motion of Mr. Hoyt, the House adjourned until 11 o'clock to-morrow.

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## HOUSE OF ASSEMBLY.

TUESDAY, March 7, 1854.

House met pursuant to adjournment.

The roll was called, and the following members were absent: Messrs. French, Gilbert, Hubert, Irwin, McGee, and J. W. Park.

The Journal of Monday was read and approved.

On motion, leave of absence was granted to Mr. McGee for two days; and indefinite leave granted to Mr. French.

Messrs. Herbert and Bradford had unanimous leave to change their votes given on yesterday; Mr. Herbert on the bill to fix the time of electing United States Senators, and Mr. Bradford in reference to an appeal from the decision of the Speaker.

As a question of privilege, Mr. Letcher rose, having been absent, on yesterday, when the bill passed fixing the time of electing United States Senators, and asked that his opposition to the passage of the bill be noted on the Journal.

Agreed to.

Mr. Clingan presented a petition from sundry citizens of Marin county, praying for the passage of a law abolishing the Board of Supervisors in that county.

Petition read; and on motion of Mr. Clingan, laid upon the table, and he gave notice that, on to-morrow, he would introduce a bill in accordance with the prayer of the petitioners.

Mr. Conness presented a petition numerously signed by citizens of El Dorado county in favor of the election of a United States Senator by the present Legislature.

Read and referred to the delegation from El Dorado county.

Mr. F. A. Park presented a petition from George James Cross, in reference to a change of his name.

Petition read, and referred to the delegation from El Dorado county.

Mr. Mandeville made the following report :

The Committee on Mines and Mining Interests, to whom was referred a bill for an Act to provide for the better security and protection of Mining Claims, have considered the same, and beg leave to report, that inasmuch as there is a law at present, embracing the main features of said bill, therefore, your committee recommend that it do not pass.

J. W. MANDEVILLE,  
ALFRED BRIGGS,  
D. P. TALLMADGE,  
C. W. DANNELS,  
S. G. WHIPPLE,  
JOHN C. JAMES.

Mr. Godard moved to have 240 copies of the above bill printed.

Mr. Jones moved to lay the motion to print on the table.

Not agreed to.

The House then ordered the printing of 240 copies of the bill.

On motion of Mr. Myres, the bill was recommitted to the Committee on Mines and Mining Interests.

Mr. O'Neil made the following report :

The Committee on Engrossments have carefully examined and find correctly engrossed, an Act fixing the time of electing United States Senators.

The following message was received from the Governor :

I have this day approved an Act entitled an Act to provide for holding terms of the District Court in Tulare county.

JOHN BIGLER.

The following message was received from the Senate :

I am instructed to inform the Assembly that the Senate have, this day, passed Assembly bill for an Act to organize the county of Plumas out of a portion of the territory of Butte county ;



And, also, a Concurrent Resolution appointing a committee to examine proposals for Translation of the Laws into Spanish, and have appointed, on their part, Messrs. De La Guerra, McFerland and Whiting.

JOHN Y. LIND,  
Secretary.

Senate Concurrent Resolution, as above, adopted by the Assembly, and Messrs. Hubert, Nichols and Carr were appointed on the part of the Assembly.

Mr. Mandeville moved to take from the table Senate Resolutions to adjourn *sine die*.

Not agreed to.

Mr. Jones, from special Committee, made the following report :

The Special Committee, to whom was referred Senate bill No. 54, for an Act supplementary to an Act to fund the debt of the county of Yuba, and provide for the payment thereof, passed May 3d, 1852, beg leave to report that they have had the same under consideration, and report the same back without amendment and recommend its passage.

The bill was then read a third time and passed.

Mr. Kellogg gave notice that on to-morrow he would introduce a bill explanatory of the sixteenth section of an Act to provide for the formation of Corporations for certain purposes.

On motion of Mr. Jones, the House resolved itself in'o Committee of the Whole, Mr. Bradford in the chair, to consider a bill for an Act to provide for the formation of Chattel Mortgages. After spending some time in the consideration of the same,

On motion of Mr. Hoyt, the committee rose, reported the bill back, recommended the passage of the same, and asked to be discharged.

The committee was discharged.

On motion of Mr. Conness, the House adjourned until 11 o'clock to-morrow.

## HOUSE OF ASSEMBLY.

WEDNESDAY, March 8, 1854.

House met pursuant to adjournment.

The roll was called, and the following members were absent :

Messrs. Gilbert, Griffith, Herbert, Hoff, Horr, Hubert, Irwin, Letcher, McBrayer, McDuffie, J. W. Park, Pratt and Rowan.

The Journal of Tuesday was read and approved.

Mr. Bradford offered the following, which was adopted :

*Resolved*, That Dr. John B. Trask be requested to furnish the Legislature with any report that he may have prepared on the Geology of this State, pursuant to a joint resolution passed 6th May, 1853.

Mr. Bostwick offered the following :

*Resolved*, Unanimously, that the members of the Assembly agree *not* to exact or receive from the State of California, either mileage or per diem allowances accruing during the removal from Benicia to Sacramento, embracing a period of five days.

On motion, laid on the table.

Assembly bill No. 22, an Act to provide for the formation of Chattel Mortgages, which was under consideration when the House adjourned on yesterday,

On motion, the amendments offered by the Judiciary Committee were concurred in.

Mr. Jones offered to amend the first section by adding the following :

"But such mortgages shall not affect purchasers in good faith, without the county where the instrument is filed."

Amendment adopted.

The bill was then read a third time, and upon its final passage Messrs. Conness, Myres and Carr demanded the yeas and nays :

YEAS.

Messrs. Ashley, Bowie, Clingan, Cornwall, Dannels, Davidson, Ewer, Godard, Griffith, Hastings, Herbert, Hoff, Hoyt, Jones, Letcher, Mandeville, Musser, McDuffie, J. W. Park, Spencer, Stowe, Van Cleft, Warmcastle, Whipple, Whitman and Mr. Speaker—26.

NAYS.

Messrs. Anderson, Ballou, Bennett, Bostwick, Bradford, Briggs, Burton, Carr, Carrillo, Conness, Fairfield, Gordon, Green, Hagans, Horr, Hubbard, Hubert, Hunt,

Hunter, James, Lindsey, Myres, McBrayer, McDonald, McDaniel, McKenny, Nichols, Noel, O'Neil, Purdy, Ring, Springer, Stemmons, Stevenson, Sweasey, Sweetland, and Watkins—37.

So the bill did not pass.

After the names had all been called over, Mr. Nichols desired the name of Mr. Bagley to be called, which was done.

Mr Bagley, on motion of Mr. Fairfax, was excused from voting.

The following message was received from the Senate :

I am instructed to inform the Assembly that, on yesterday, the Senate passed a bill for an Act concerning the collection of taxes now due in the county of Sacramento.

Also, Assembly Joint Resolutions in relation to creating a new collection district, and establishing the port of entry at Humboldt Bay.

The Senate also passed a Concurrent Resolution appointing a joint committee to examine and settle the accounts of Eugene Casserly for State Printing, and have appointed on their part Messrs. Coffroth, Crabb and Sprague.

They also appointed Messrs. Kurtz, Hall and Wade to confer with the committee of the Assembly upon the disagreeing vote of the two Houses on the bill for an Act to prevent the sale of fire-arms and ammunition to Indians in this State.

All of which is respectfully submitted.

JOHN Y. LIND,  
Secretary.

Senate Concurrent Resolution, as above, concurred in, and Messrs. Tallmadge, Stowe and Bagley were appointed on the part of the Assembly ;

Before the adoption of the resolution, Mr. Tallmadge presented a letter from Mr. Casserly, formerly State Printer, which was read.

Senate bill No. 79, an Act concerning the collection of taxes now due in the county of Sacramento.

Read a first time, rule suspended, read a second time, rule further suspended, and the bill read a third time and passed.

Assembly bill No. 145, an Act to extend an Act for the protection of Game, to the county of Colusi.

Read a second time, and ordered to a third reading on to-morrow.

Senate bill No. 52, an Act to amend an Act entitled an Act concerning Officers, passed April 28, 1851.

Read a second time, and referred to Judiciary Committee.

Assembly bill No. 144, an Act concerning Poll Tax.

Read a second time, and referred to the Committee of Ways and Means.

Assembly bill No. 147, an Act concerning the manufacture and sale of spirituous or intoxicating liquors.

Read a second time, and referred to the special committee, of which Mr. Letcher is chairman.

Senate bill No. 59, an Act to change the name of Charles Turner Kelly to Charles Turner Kelly Tracy.

Read a third time and passed.

Assembly bill No. 142, an Act to establish and regulate Common Schools, and to repeal former Acts concerning the same.

Read a second time, and referred to Committee on Education.

Mr. Bradford introduced a bill for an Act to fix the time of holding elections for Representatives to Congress.

Read a first time, and ordered to a second reading on to-morrow.

The following message was received from the Senate :

I am instructed to inform the Assembly that the Senate, this day, passed a bill for an Act making appropriations for the civil expenceses of Government of the State, for the unexpired portion of the fical year, ending on the 30th day of June, 1854, and for the first seven months of the fiscal year, commencing on the 1st day of July, 1854, which is respectfully submitted.

JOHN Y. LIND,  
Secretary.

Senate bill No. 66, as above.

Read a first and second time, and

On motion, the House resolved itself into Committee of the Whole, Mr. Ashley in the chair, to consider the bill, after spending a short time in its consideration,

On motion, the committee rose, reported the bill back without amendment, and asked to be discharged from its further consideration.

The committee was discharged.

And on motion, the bill was referred to the Committee of the Whole House, on to-morrow, at 12 o'clock, and mede the special order.

Mr. Hubbard introduced a bill for an Act to establish Pilots and Pilot Regulations for the Port of San Francisco.

Read a first time, and 240 copies ordered to be printed.

Mr. Griffith introduced a bill for an Act in relation to Township Public Schools and the support thereof.

Read a first time, and 240 copies ordered to be printed.

Mr. Clingan introduced a bill for an Act to abolish the Board of Supervisors in and for the county of Marin.

Read a first time, and ordered to a second reading on to-morrow.

Mr. Fairfax moved to instruct the Committee on Mileage to report at their earliest convenience in reference to the mileage of the members of the present Legislature in removing from Benicia to this place.

Mr. Bradford moved to indefinitely postpone the motion.

Mr. Stevenson moved to adjourn.

Not agreed to.

And the House refused to indefinitely postpone.

Mr. Ballou moved a call of the House.

The call was not sustained.

On the adoption of the motion made by Mr. Fairfax, Messrs Fairfax, Carr and Rowan demanded the yeas and nays.

YEAS.

Messrs. Ashley, Aylett, Bennett, Bowie, Briggs, Carr, Carrillo, Clingan, Cornwall, Dannels, Davidson, Dawley, Fairfield, Gilbert, Gordon, Green, Griffith, Haggans, Hoff, Houghtaling, Hunt, Hunter, James, Jones, Kellogg, Letcher, Lindsey, Mandeville, Musser, Myres, Nichols, Noel, O'Neil, Purdy, Stowe, Sweasey, Sweetland, Tivy, Van Cleft, Warmcastle, Watkins, Whitman and Mr. Speaker—43.

NAYS.

Messrs. Anderson, Ballou, Bostwick, Bradford, Burton, Conness, Ewer, Hast-



ings, Hollister, Hubbard, Hnbert, McBrayer, McDonald, McDuffie, McDaniel, F. A. Park, Ring, Rowan, Spencer, Springer, Stemmons and Tallmadge—22.

So the motion was adopted.

On motion the House adjourned until 11 o'clock to-morrow.

## HOUSE OF ASSEMBLY.

THURSDAY, March 9, 1854.

House met pursuant to adjournment.

The roll was called, and the following members were absent :

Messrs. Bagley, Gilbert, Herbert, Hoff, Hollister, Myres, Nichols, J. W. Park and Rowan.

The Journal of Wednesday was read and approved.

On motion, leave of absence was granted to Mr. Hollister for the remainder of this week.

Mr. Tallmadge presented a petition from sundry citizens of El Dorado county in favor of the election of United States Senator by the present Legislature.

Read and referred to the delegation from El Dorado county.

Mr. Sweasey presented a petition from twenty-three persons in favor of the passage of a law embracing the Maine Liquor Law.

Read and referred to special Committee, of which Mr. Letcher is chairman.

Mr. Gordon presented a petition from sundry ladies of Calaveras county in favor of the Maine Liquor Law.

Read and referred to special committee, of which Mr. Letcher is chairman.

Mr. Griffith gave notice that, at an early day, he would introduce a bill for an Act authorizing Deeds of Trust on Chattel property.

The following message was received from the Governor :

*To the Senate and Assembly :—*

I have the honor, herewith, to transmit a copy of a communication, received this morning, from the Hon. J. R. McConnell, Attorney General of the State, in relation to the property known as the Leidesdorff estate.

The subject is one of great importance to the State, and ought to receive the immediate attention of the Legislature.

The Attorney General has given the questions involved careful consideration, and will in a few days institute proceedings for the recovery of the property. The suggestions of the Attorney General are all-important, and I trust that the legislation necessary to secure the interest of the State in the accruing rents of the property, as well as a vigorous prosecution of the case, will be perfected with as little delay as practicable.

The proceeds of this valuable estate if recovered, it is proper here to state, by the Constitution are set apart for the education of the children of the State.

JOHN BIGLER.

Communication from the Attorney General, above referred to, was read and referred to Judiciary Committee, with instructions to report on Monday next, in accordance to suggestions made by the Governor and Attorney General.

Mr. Hoyt introduced a bill for an Act to provide for the formation of Chattel Mortgages.

Read a first time, and ordered to a second reading on to-morrow.

On motion of Mr. O'Neil, a petition which was presented some days since by Mr. Myres, in favor of the Senatorial Election, was referred to the delegation from Placer county.

Mr. Stemmons introduced a bill for an Act supplemental to an Act to establish a system of Common Schools, as amended in compiled laws by Garfield and Snyder.

Read a first and second time, and referred to Committee on Education.

Mr. Dawley gave notice that he would, at an early day, introduce a bill for the division of the Tenth Judicial District.

On motion of Mr. Conness, Mr. Letcher was added to the Committee on Education.

The Speaker announced the special order of the day, which was Senate bill No. 66, to make appropriations for the support of Government.

On motion of Mr. Herbert, the House resolved itself into Committee of the Whole, Mr. Bradford in the Chair, to consider the same.

After spending some time in its consideration, and amending the same,

On motion of Mr. O'Neil, the Committee rose, reported the bill back as amended, and asked to be discharged from its further consideration.

The committee was discharged.

The amendment made in Committee of the Whole,

Not agreed to by the House.

Mr. Stowe moved to amend by striking out "\$1,000" for contingent purposes for Quartermaster General, and insert "500,"

And Messrs. Stowe, Lindsey and Hagans demanded the yeas and nays.

YEAS.

Messrs. Ashley, Bowie, Burton, Ewer, Hagans, Houghtaling, Hunter, Letcher, Lindsey, Mandeville, McKenny, Stemmons, Stowe and Warmcastle—14.

NAYS.

Messrs. Anderson, Aylett, Bagley, Ballou, Bennett, Bostwick, Bradford, Briggs, Carr, Carrillo, Davidson, Dawley, Fairfield, Gilbert, Godard, Green, Griffith, Hastings, Henry, Hubbard, Hoff, Horr, Hoyt, Hubert, Hunt, James, Jones, Kellogg, Koll, Musser, Myres, McBrayer, McDonald, McDuffie, McDaniel, Nichols O'Neil,

Tallmadge, Pratt, Purdy, Ring, Rowan, Spencer, Springer, Sweasey, Sweetland, Tivy, Van Cleft, Watkins, Whipple and Whitman—52.

So the amendment was not adopted.

The bill was then read a third time, and upon its final passage, Messrs. Stowe, Burton and Stevenson demanded the yeas and nays.

## YEAS.

Messrs. Aylett, Bennett, Bostwick, Briggs, Cornwall, Dawley, Godard, Henry, Herbert, Hoff, Horr, Hoyt, Hubbard, Hubert, Kellogg, Musser, McBrayer, Nichols, O'Neil, F. A. Park, Pratt, Purdy, Ring, Spencer, Springer, Sweetland, Van Cleft Watkins, Whipple and Whitman—30.

## NAYS.

Messrs. Anderson, Ashley, Bowie, Bradford, Burton, Carr, Carrillo, Conness, Dannels, Davidson, Ewer, Fairfield, Hagans, Hastings, Houghtaling, Hunt, Hunter, James, Koll, Letcher, Lindsey, Mandeville, McDonald, McDaniel, McKenney, Noel, Rowan, Stemmons, Stevenson, Stowe, Tallmadge, Tivy, and Warmcastle—33.

So the bill did not pass.

Mr. Bradford gave notice that he would move a reconsideration of the vote just taken, on to-morrow.

Mr. O'Neil gave notice that on to-morrow, or some day thereafter, he would introduce a bill for an Act to legalize the acts of the several Courts of the county of Placer.

Mr. Conness introduced a bill for an Act for an appropriation of money, for the publication of the Laws of 1850 and 1853, inclusive.

Read a first time, and ordered to a second reading on to-morrow.

Mr. Tivy, chairman, made the following report :

The Joint Committee on Enrolled Bills have examined and found correctly enrolled,

An Act to abolish the Board of Supervisors in and for the county of Santa Clara.

An Act fixing the times of holding the several Courts of Alameda county.

Also, Joint Resolution in relation to creating a new Collection District, and establishing the Port of Entry at Humboldt Bay ; and

Concurrent Resolution granting leave of absence to the Hon. Delos Lake.

Mr. Hastings introduced a bill for an Act to amend an Act entitled an Act dividing the State into counties and establishing the Seats of Justice therein, passed April 25, 1851.

Read a first time, and ordered to a second reading on to-morrow.

Mr. Conness offered a concurrent resolution of instructions to the Attorney General in reference to the late Surveyor General,

Which was adopted.

Mr. Tallmadge offered a resolution instructing the Clerk of the Assembly to deliver all matters for publication to B. B. Redding or his order.



Resolution read, and made the special order of the day for Saturday next, at 12 o'clock.

Mr. Conness presented a petition from sundry citizens of Missouri Flat, in El Dorado county, in favor of the election of a United States Senator by the present Legislature.

Petition read, and referred to delegation from El Dorado.

Mr. Ballou made the following report :

The El Dorado Delegation, to whom was referred the petition of George James Krautz, praying for a change of name, have had the same under consideration, and find upon examination that the petitioner desires the substitution of the letter S in place of the T, so that his name shall read Krausz, which change is not of sufficient importance, in the opinion of your committee, to justify the revision of the Act of 1851, changing the name of said person, and re-publication at length of the same ; therefore your committee recommend that no action be had in the matter.

On motion of Mr. Whipple, the house adjourned until 11 o'clock to-morrow.

## HOUSE OF ASSEMBLY.

FRIDAY, March 10, 1854.

House met pursuant to adjournment.

The roll was called, and the following members were absent : Messrs. Clingan, Cornwall, Fairfield, Gilbert, Gordon, Griffith, Herbert, Hubert, Myres, J. W. Park and Tallmadge.

The Journal of Thursday was read and approved.

On motion, indefinite leave was granted to Mr. Clingan, in consequence of ill health.

Mr. Stevenson presented a petition numerously signed by citizens of El Dorado county, protesting against the election of United States Senator by the present Legislature.

Petition read and referred to the delegation from El Dorado.

Mr. Stowe, chairman Committee of Conference, made the following report :

The Committee of Conference, to whom was referred Joint Resolutions in relation to mail service, respectfully report, that the Assembly shall recede from their



opposition to both amendments in dispute, and that the Senate will agree to strike out of the fourth amendment the words "in lieu of," and insert "in addition to."

Report received and adopted.

The following message was received from the Senate :

I am instructed to inform the Assembly, that on Tuesday last, the Senate rejected Assembly bill No. 76, for an Act fixing the time of electing United States Senators.

And, on yesterday, they passed a bill for an Act to amend an Act entitled an Act dividing the State into Counties, and establishing the Seats of Justice therein, passed April 25, 1851.

All of which is respectfully submitted.

JOHN Y. LIND,  
Secretary.

Senate bill No. 62, above reported, read a first time, and ordered to a second reading on to-morrow.

Mr. Bradford offered a Concurrent Resolution to appoint a Joint Committee to consider and report amendments to the Constitution of this State.

The resolution was adopted, and Messrs. Bradford, James, Watkins, and O'Neil, were appointed on the part of the House.

Mr. Bradford presented sundry amendments to the Constitution of this State, and on his motion they were laid upon the table without reading.

Mr. O'Neil introduced a bill for an Act to legalize the acts of the several Courts of the county of Placer.

Read a first time, and ordered to a second reading on to-morrow.

Mr. Kellogg introduced a bill for an Act amendatory of the 16th section of an Act entitled an Act to provide for the formation of Corporations for certain purposes, approved April 14, 1853.

Read a first time, and ordered to a second reading on to-morrow.

Mr. Tivy made the following report :

The Joint Committee on Enrolled Bills have examined, and found correctly enrolled, the following Act, viz :

An Act concerning the collection of Taxes now due in the county of Sacramento.

Mr. McBrayer presented a petition from B. F. Mauldin in reference to the establishment of a permanent watering place in the Humboldt Desert.

Petition read, and referred to Committee on Federal Relations.

Assembly bill No. 154, an Act for an appropriation of money for the publication of the Laws of 1850 and 1853, inclusive.

Read a second time, and referred to the Committee on Public Expenditures.

Assembly bill No. 151, an Act to abolish the Board of Supervisors in and for the county of Marin.

Read a second time, and ordered to a third reading on to-morrow.

Assembly bill No. 148, an Act to fix the times of holding elections for Representatives to Congress.

Read a second time, and referred to Committee on Elections.

Assembly bill No. 153, an Act to amend an Act entitled an Act dividing the State into Counties, and establishing the Seats of Justice therein, passed April 25, 1851.

Read a second time, and referred to Committee on Counties and County Boundaries.

Assembly bill, 155, an Act to provide for the formation of Chattel Mortgages.

Read a second time, and made the special order for Wednesday next, at 12 o'clock.

Assembly bill No. 145, an Act to extend an Act for the protection of Game to the county of Colusi.

Read a third time and passed.

Assembly bill No. 140, an Act concerning the office of Secretary of State.

Read a second time, and referred to Committee on Expenditures and Accounts.

Assembly bill No. 88, on its third reading, an Act concerning legal proceedings in favor of and against Counties,

On motion of Mr. Bradford, laid upon the table.

On motion of Mr. Ashley, Assembly Joint Resolution, No. 123, relating to lands donated to this State by the United States, was taken from the table, and made the special order for Monday next, at 12 o'clock.

Agreeable to notice, Mr. Bradford moved to reconsider the vote of yesterday, which refused to pass an appropriation bill.

The vote was reconsidered.

Senate bill No. 66, an Act making appropriations for the civil expenses of Government under consideration,

Mr. Griffith moved to recommit the bill to a Committee of the Whole House, with instructions to amend, by appropriating six thousand dollars for the payment of balance due F. A. Snyder for printing Codified Laws.

Adopted.

Mr. Stevenson moved to instruct the Committee of the Whole House to amend, by striking out five thousand dollars contingent fund for the Governor, and insert two thousand five hundred dollars, and Messrs Stowe, McKenney and Hagans demanded the yeas and nays.

#### YEAS.

Messrs. Ashley, Bennett, Bostwick, Bowie, Briggs, Burton, Carr, Cornwall, Davidson, Ewer, Hagans, Hastings, Henry, Herbert, Horr, Hunter, Jones, Letcher, Mandeville, McDaniel, McGee, McKenney, J. W. Park, Stemmons, Stevenson, Stowe, Tivy, Watkins and Whitman—29.

#### NAYS.

Messrs. Anderson, Bradford, Carrillo, Conness, Dawley, Fairfield, Godard, Green, Griffith, Hoff, Hoyt, Hubbard, Hubert, Hunt, Kellogg, Koll, Myres, McBrayer, Nichols, F. A. Park, Pratt, Spencer, Sweasey, Sweetland, Tallmadge, Van Cleft and Warmcastle—27.

So the motion prevailed.

Mr. Mandeville moved to reconsider the vote which ordered the bill to a third reading.

Mr. Conness moved a call of the House.

The call was sustained.

The Clerk called the roll, and the following members were absent :

Messrs. Aylett, Gilbert, Gordon, Hoyt, Irwin, Noel and Mr. Speaker.

On motion, Messrs. Gordon, Gilbert and Aylett were excused.

The Sergeant-at-Arms was dispatched after absentees.

Mr. Stevenson moved to dispense with further proceedings under the call.

Not agreed to.

On motion, Mr. Fairfax was admitted within the bar of the House and excused.

Mr. Mandeville moved to dispense with further proceedings under the call.

Not agreed to.

Mr. Bradford moved to dispense with further proceedings under the call.

Agreed to.

Mr. Mandeville withdrew the motion to reconsider.

Mr. Bradford moved that when the House adjourn the members attend in a body the funeral of the late Dr. Dickson.

Agreed to.

Mr. McBrayer moved to adjourn.

Not agreed to.

Mr. Mandeville renewed his motion to reconsider the vote which read the bill under consideration a third time.

Objections being made to the motion, the Chair, Mr. Hoff, decided the motion in order, from which decision Mr. Fairfax appealed,

And the decision of the Chair was sustained.

And while the motion made by Mr. Mandeville to reconsider was under consideration,

On motion of Mr. Bostwick, the House adjourned until 11 o'clock to-morrow.

## HOUSE OF ASSEMBLY.

SATURDAY, March 11, 1854.

House met pursuant to adjournment.

The roll was called, and the following members were absent:

Messrs. Bagley, Gilbert, Herbert, Hubert, McBrayer, McDuffie, McKenney, O'Neil, J. W. Park, Pratt, Rowan and Tivy.

The Journal of Friday was read and approved.

The following message was received from the Governor:

I have this day approved the following Acts, which originated in the Assembly, to wit:

An Act fixing the time of holding the several Courts authorised to be held by the County Judge in the county of Alameda.

An Act to abolish the Board of Supervisors in and for the county of Santa Clara.



Also, Joint Resolution in relation to creating a new collection district, and establishing the port of entry at Humboldt bay.

JOHN BIGLER.

A communication was received from the Comptroller of State in answer to a resolution which passed the Assembly in reference to the amount paid for printing in 1853.

Communication read, and the documents accompanying the same referred to Committee on Printing.

The Speaker laid before the House a communication from Messrs. Washington, Geiger & Snyder, in reference to the public printing.

Letter read.

Mr. Letcher offered the following, which was adopted :

*Resolved*, That the Sergeant-at-Arms be instructed to remove the Speaker's stand to the centre of the west side of the Assembly room, and make such other changes as may be most conducive to the convenience of members.

Mr. Watkins presented a petition from sundry citizens of the town of Alameda, in reference to a charter.

Petition read and referred to Committee on Corporations.

Mr. Sweasey gave notice that at an early day he would introduce a bill to amend the fifth division of an Act, entitled an Act concerning Crimes and Punishments, passed April 16, 1850.

When the House adjourned on yesterday, the question to reconsider the third reading of the Appropriation bill was under consideration.

The vote was taken, and the vote was reconsidered.

On motion of Mr. Bradford, the House resolved itself into Committee of the Whole, Mr. Bostwick in the chair, to consider the bill.

After spending some time in the consideration of the bill, and amending the same,

On motion, the committee rose, reported the bill back as amended, and asked to be discharged.

The committee was discharged.

First amendment made in Committee of the Whole, reducing the sum appropriated for the Governor's Private Secretary.

Upon a motion to concur by the House, Messrs. Ashley, Mandeville and Hunter demanded the yeas and nays.

YEAS.

Messrs. Ashley, Bennett, Bowie, Bradford, Briggs, Burton, Carr, Carrillo, Clingan, Cornwall, Dannels, Davidson, Ewer, Fairfield, Godard, Griffith, Hagans, Hastings, Henry, Herbert, Horr, Hoyt, Hunt, Hunter, James, Jones, Kellogg, Letcher, Lindsey, Mandeville, Musser, Myres, McDaniel, McGee, McKinney, Noel, O'Neil, Rowan, Spencer, Stemmons, Stevenson, Stowe, Sweasey, Sweetland, Van Cleft, Warmcastle, Watkins, Whipple and Whitman—49.

NAYS.

Messrs. Anderson, Bagley, Ballou, Hubbard, Koll, McDonald, Pratt, Ring, Springer, and Tallmadge—10.

So the amendment was adopted.



Second amendment made in Committee of the Whole, to strike out all appropriations for contingent purposes.

Concurred in.

Third amendment, to add at end of first section, six thousand dollars, to pay F. A. Snyder for printing Codified Laws.

Concurred in.

Mr. Ashley moved to strike out ten thousand and insert five thousand dollars for fuel, lights, &c., for the Legislature.

Agreed to.

Mr. Dannels moved to strike out all appropriations for Hospital purposes, except for the salaries of officers and attaches

Agreed to.

Mr. Ewer moved to strike out thirty thousand dollars for the pay of officers and attaches of the Assembly, and insert twenty-two thousand.

Agreed to.

Mr. Whipple moved to strike out twelve hundred dollars for office rent of the State Land Commissioners, and insert twenty-one hundred dollars.

Agreed to.

Mr. McKinney moved to strike out twenty-five thousand dollars for pay of officers and attaches of the Senate, and insert eighteen thousand dollars.

Not agreed to.

Mr. Tallmadge moved to refer the bill to the Committee of Ways and Means.

Not agreed to.

The bill was then read a third time, and upon its final passage,

Messrs. Purdy, Tallmadge and O'Neil demanded the yeas and nays.

#### YEAS.

Messrs. Bagley, Briggs, Carrillo, Cornwall, Dannels, Hagans, Hoyt, Kellogg, Letcher, Lindsey, Mandeville, Musser, McDuffie, McKenny, Spencer, Springer, Stemmons, Stevenson, Stowe, Whipple and Whitman—21.

#### NAYS.

Messrs. Anderson, Ashley, Ballou, Bennett, Bowie, Bradford, Carr, Clingan, Conness, Davidson, Ewer, Fairfield, Godard, Griffith, Hastings, Henry, Horr, Hunt, Hunter, Irwin, James, Jones, Koll, Myres, McDonald, McGee, Noel, O'Neil, F. A. Park, Pratt, Purdy, Ring, Rowan, Sweetland, Tallmadge, Warmcastle and Watkins—37.

So the bill did not pass.

Mr. Jones moved to reconsider the vote just taken.

Mr. Briggs moved to adjourn.

Not agreed to.

The vote was then reconsidered.

Mr. Bradford moved to reconsider the third reading of the bill.

Mr. McKinney moved to adjourn.

Not agreed to.

On the question to reconsider the third reading of the bill, there was a division of the House—twenty-nine voted to reconsider, and ten against it.

The Speaker, Mr. Mandeville in the chair, decided that no quorum had voted, it requiring forty-one members to make a quorum, that the motion was lost.

From which decision Mr. Bradford appealed, and the House overruled the decision of the Chair.

Mr. Conness moved to re-consider the vote which refused to refer the bill to the Committee of Ways and Means.

The vote was re-considered.

Mr. McBrayer moved to adjourn.

Not agreed to.

On motion of Mr. Conness, the bill was referred to Committee of Ways and Means.

Mr. Godard offered the following, which was adopted :

*Resolved*, That the Governor, Secretary of State, State Treasurer, State Comptroller, Attorney General, Surveyor General, Quarter-Master General, and Superintendent of Public Instruction, be requested to furnish for the information of this House, their estimates of the amount of money necessary to be appropriated for the contingent expenses for their several offices respectively, and, also, for what such contingent fund is required.

On motion of Mr. Bagley, the House adjourned until 11 o'clock on Monday next.

## HOUSE OF ASSEMBLY.

MONDAY, March 13, 1854.

House met pursuant to adjournment.

The roll was called and the following members were absent :

Messrs. Aylett, Conness, Dawley, Gilbert, Gordon, Green, Herbert, Hoff, Hubert, McBrayer, Nichols, F. A. Park and Mr. Speaker.

The Journal of Saturday was read and approved.

On motion, leave of absence was granted to the Chief Clerk for two days; to Messrs. Green, Gordon, Herbert and Dawley one day each; Mr. Hollister three days; Mr. Conness one week; and to Select Committee, Messrs. Jones, Hubert, McBrayer, F. A. Park and Bradford indefinite leave.

Mr. Griffith presented a petition from numerous citizens of Yolo County, praying the abolishment of the Board of Supervisors in said county, which was read and referred to the delegation from Yolo.

Mr. O'Neil, chairman, made the following report :

The Committee on Engrossment have examined, and find correctly engrossed, an Act to extend an Act for the protection of Game to the county of Colusa.

The following message was received from the Senate :

I am instructed to inform the Assembly that, on Friday last, the Senate passed Assembly Joint Resolutions in reference to the Board of Land Commissioners holding a session at the City of Los Angeles ;

And on Saturday, Assembly bill for an Act to incorporate the City of Oakland. All of which is respectfully submitted.

JOHN Y. LIND,  
Secretary.

Mr. Hagans offered the following resolution, which, on motion of Mr. Bradford, was laid on the table.

*Resolved*, That when the House adjourn, it adjourn to 10 o'clock to-morrow morning, and to the hour of 10 A. M. thereafter, until otherwise ordered.

Mr. Stemmons gave notice that he would, at an early day, introduce a bill to amend an Act concerning Notaries Public, passed April 30, 1853.

Mr. Springer gave notice that he would, at an early day, introduce a bill to provide for the appointment of deputy County Treasurers.

Mr. Bradford gave notice that, on to-morrow, or some subsequent day, he would introduce a bill for an Act to encourage Agriculture by donating a Homestead to actual settlers.

Mr. Bowie gave notice that he would, at an early day, introduce a bill to attach portions of Butte and Sutter counties to the county of Colusi

Mr. Griffith gave notice that, on to-morrow, he would introduce a bill for an Act to provide for the organization of the Courts of Sessions of Yolo county.

Mr. Spencer gave notice that, at an early day, he would introduce a bill to amend an Act concerning passengers arriving in ports of California.

Assembly bill, No. 151, an Act to abolish the Board of Supervisors in and for the county of Marin,

Was considered as engrossed, read a third time and passed.

Assembly bill, No. 156, an Act amendatory of the sixteenth section of an Act entitled an Act to provide for the formation of Corporations for certain purposes, approved April 14, 1853.

Read a second time, and referred to Committee on Corporations.

Assembly bill, No. 157, an Act to legalize the acts of the several Courts of the county of Placer.

Read a second time, and referred to the delegation from Placer county.

Senate bill, No. 62, for an Act to amend an Act entitled an Act dividing the State into counties, and establishing the seats of justice therein, passed April 25, 1851.

Read a second time, and referred to Committee on Counties and County Boundaries.

Assembly bill, No. 149, an Act in relation to Township Public Schools and the support thereof.

Read a second time, and referred to Committee on Education.

Assembly bill No. 152, an Act to establish Pilots and Pilot Regulations for the Port of San Francisco.

Read a second time, and referred to Committee on Commerce and Navigation.

Mr. Whipple, on leave of the House, introduced a bill, for an Act to empower Courts of Sessions and Justices Courts to condemn prisoners to labor in certain cases,

Which was read a first time, and laid over under the rules.

Mr. Griffith, on leave, introduced a bill, an Act making appropriations for the payment of the per diem of members and officers of the Legislature.

Read a first time.

Mr. James, on leave, introduced a bill, an Act to authorize George T. Marye to build a wharf at the end of Mission street into the Bay of San Francisco.

Read a first time.

Mr. Musser gave notice that he would, at an early day, introduce a bill to authorize the Court of Sessions of Trinity county to levy a tax to provide the means of constructing public buildings in said county.

Mr. Dannels gave notice that he would, at an early day, introduce a bill to amend an Act to provide for the incorporation of Railroad Companies.

On motion of Mr. Burton, the special order for to-day, Assembly Joint Resolution, No. 123, relating to lands donated to this State by the United States, was taken up, and

On motion of Mr. Bradford, made the special order for Thursday next, at 12 o'clock.

On motion of Mr. Ashley, Assembly bill No. 94, an Act to amend an Act concerning Crimes and Punishments, passed April 16, 1850, was taken from the table and the amendments proposed by the Judiciary Committee concurred in.

Mr. Whitman moved to insert the word "grand" before the word "larceny" in section second,

Which was agreed to.

Mr. Myres offered the following amendment as section first of the bill :

"Section fourteen of an Act concerning Crimes and Punishments," passed April 16, 1850, is hereby amended so as to read as follows :

No black or mulatto person, Mongolian, Malay or Indian, shall be permitted to give evidence in favor of or against any white person. Every person who shall have one-eighth part or more of negro blood, shall be deemed a mulatto, and every person who shall have one-half of Indian blood, shall be deemed an Indian.

On motion of Mr. Bostwick, the bill was recommitted to the Judiciary Committee.

Mr. Hubbard offered the following resolution, which was adopted :

*Resolved*, That the Sergeant-at-Arms is hereby instructed to make such alterations in the windows of this hall, as will admit of the sash being lowered from the top.

Mr. Tivy, chairman, made the following report :

The Joint Committee on Enrolled bills have examined, and found correctly enrolled the following Acts, viz :

An Act supplementary to an Act to fund the debt of the county of Yuba, and provide for the payment thereof, passed May 3, 1852.

An Act to organize the county of Plumas out of a portion of the Territory of Butte county.

Also, Joint Resolution in favor of additional mail facilities between California and Oregon.

Mr. Stowe offered the following resolution which was adopted :

*Resolved*, That the Committee on Public Printing be instructed to report promptly upon the bills now in their hands.



Mr. Myres, on leave, introduced a bill, an Act to amend an Act concerning the Courts of Justice of this State and Judicial Officers, approved May 19, 1853,

Which was read a first and second time, and referred to the delegation from Placer county.

Mr. McDonald moved to adjourn.

Not agreed to.

Mr. Griffith moved to take from the table Senate Concurrent Resolution relative to adjourning *sine die*.

Not agreed to

On motion of Mr. Hoyt, the House adjourned until 11 o'clock to-morrow.

## HOUSE OF ASSEMBLY

TUESDAY, March 14, 1854.

House met pursuant to adjournment.

The roll was called, and the following members were absent :

Messrs. Hoff, Irwin, Nichols, J. W. Park, Spencer, Mr. Speaker, and those absent on leave.

The Journal of yesterday was read and approved.

On motion, leave of absence was granted to Messrs. Spencer and Dawley for one day each, and to Messrs. Green and Nichols for two days each.

Mr. O'Neil, chairman, made the following report :

The Committee on Engrossment have examined, and find correctly engrossed, an Act to abolish the Board of Supervisors in and for the county of Marin.

Communications were received from the Governor, Secretary of State, Comptroller, Treasurer, Surveyor General, Quarter Master General, and Superintendent of Public Instruction, relative to the contingent expenses of their several offices, which were read and referred to Committee of Ways and Means.

Mr. Tivy, chairman, made the following report :

The Joint Committee on Enrolled Bills report, that on Friday last, the 10th instant, they presented to his Excellency, the Governor, for his approval, the following Acts, viz :

An Act to abolish the Board of Supervisors in and for the County of Santa Clara.

An Act fixing the times of holding the several Courts of Alameda county ; also, Joint Resolution in relation to creating a new collection district, and establishing the port of entry at Humboldt Bay.

SACRAMENTO, March 14, 1854.

Mr. Myres, chairman, made the following report :

The Placer delegation, to whom was referred a bill for an Act to legalize the acts of the several Courts of the county of Placer, report that they have had the same under consideration, and find that the Act providing for the organization of their county was approved April 28, 1851, and not in the month of May, as printed in the statutes of that year. They, therefore, recommend that the bill do not pass.

Your delegation have also had under consideration an Act to amend an Act concerning the Courts of Justice of this State and Judicial Officers, approved May 19, 1853, and recommended its passage.

Assembly bill No. 157, an Act to legalize the acts of the several Courts of the County of Placer,

Reported back from Placer delegation, was then read a third time and lost.

Assembly bill No. 161, an Act to amend an Act concerning the Courts of Justice of this State and Judicial Officers, approved May 19, 1853.

Reported back from Placer delegation, considered as engrossed, read a third time and passed.

The following message was received from the Senate :

I am instructed to inform the Assembly, that on Saturday, the Senate passed a bill for an Act to authorize the Court of Sessions of the counties of San Joaquin and Tuolumne to levy and collect a special tax for the support and maintenance of the indigent sick of said counties.

And on yesterday, a bill for an Act to provide for the payment of the official reporters to the Senate.

They also concurred in Assembly resolution to appoint a Joint Select Committee to consider and report amendments to the Constitution of this State, and have appointed on their part, Messrs. Coffroth, Bryan, and Wade.

All of which is respectfully submitted.

JOHN Y. LIND,  
Secretary.

Senate bill No. 76, an Act to authorize the Court of Sessions of the counties of San Joaquin and Tuolumne to levy and collect a special tax for the support and maintenance of the Indigent Sick of said counties.

Read a first time, and laid over under the rules.

Senate bill No. 82, an Act to provide for the payment of the official reporters to the Senate.

Read a first time.

Mr. Stemmons, pursuant to notice, introduced a bill, an Act to amend an Act concerning Notaries Public,

Which was read a first time.

Mr. Bowie offered the following resolution, which was adopted :

*Resolved*, That the Committee on Public Lands be instructed to report during the present week on the bill for the Protection of Settlers on Public Lands.

Mr. Davidson, pursuant to notice, introduced a bill, an Act to provide for the better observance of the Sabbath day.

Read a first time.

Mr. Sweasey, pursuant to notice, introduced a bill, an Act to amend an Act entitled an Act concerning Crimes and Punishments, passed April 16, 1850.

Read a first time.

Mr. Tivy, chairman, made the following report :

The Joint Committee on Enrolled Bills have carefully examined Assembly Joint Resolutions in reference to the Board of Land Commissioners holding a session at the city of Los Angeles, and find the same correctly enrolled.

Mr. James, chairman, made the following report :

The committee acting in obedience with the instructions of the House, have had under consideration the propriety and justice of the members of the Legislature receiving additional mileage, said to have accrued by the late removal from Benicia to Sacramento city, and beg leave to submit the following report :

The undersigned, a majority of your committee, are of the opinion that but one mileage was contemplated by the Legislature, our predecessors fixing the same, or in other words, mileage to but one capitol during the same session.

If this position be correct, that our predecessors constituted and fixed mileage to but one capitol, then it follows, as a matter of course, that if we are to receive mileage to a second capitol, we must first constitute and fix that mileage ; to do the latter, we believe, involves a principle which is unprecedented in the annals of legislation. We deny, or, at least, doubt the right of this or any other Legislature to do any act and receive pay for the same, the pay for which was not fixed or provided for by a prior Legislature. We deny the power of any Legislature to claim a reward for any service which might be performed solely for the pay ; to illustrate—if the members of this Legislature can justly demand mileage for one removal, they can demand it for twenty removals during the same session ; how this latter proposition, that this body can remove *ad libitum*, and for each removal can demand and receive mileage, is an absurdity too gross to need refutation. If it be contended that this body have a right to remove at pleasure, and receive mileage for each such removal, then we think we may well sing the Corsair's song :

“ Ours the wild life in tumult still to range,  
From toil to rest, and joy in every change.”

That a majority may impose hardships upon a minority is one thing, and the rights of the people is quite another ; the people have paid one mileage to one capitol, and we think should not be required to pay another during the same session.

All of which is respectfully submitted.

JOHN C. JAMES,  
Chairman of Committee.  
JOHN H. BOSTWICK,  
A. J. HOUGHTALING,  
SENECA EWER.

Mr. Hunter made the following report :

The undersigned, a minority of the committee on mileage, to whom was referred

the question of allowing mileage from Benicia to Sacramento, would respectfully make the following report :

That by law the present Legislature has no control over the subject, it being fixed by law that members shall receive eight dollars for every twenty miles traveled in going to and returning from the place at which the session is held.

It is believed that, under the law, those only are entitled to additional mileage whose distance of travel has been increased consequent upon the removal of the capital from Benicia to this place. This is considered by the undersigned as not only legal but equitable. The question of removal is not properly involved in that of mileage ; but the proposition is narrowed down to this, should those whose distance from their residences has been increased by removal, thus giving them a legal claim for additional mileage, have embarrassments thrown in the way of their receiving that which is legally and equitably their due.

E. HUNTER.

Mr. Hoyt moved that the minority report be adopted, upon which Messrs. James, Herbert and Ewer demanded the yeas and nays.

Those who voted in the affirmative were—

Messrs. Ashley, Aylett, Bagley, Bennett, Bowie, Burton, Carr, Carrillo, Clingan, Cornwall, Dannels, Davidson, Fairfield, Gilbert, Godard, Gordon, Hagans, Henry, Hoyt, Hunt, Hunter, Letcher, Lindsey, Mandeville, Musser, Myres, McKenny, Noel, O'Neil, Pratt, Purdy, Ring, Stowe, Sweasey, Sweetland, Tivy, Van Cleft, Warmcastle, Watkins and Whitman—40.

Those who voted in the negative were—

Messrs. Anderson, Ballou, Bostwick, Briggs, Ewer, Hastings, Herbert, Horr, Houghtaling, Hubbard, James, Kellogg, Koll, McDonald, McDuffie, McDaniel, McGee, J. W. Park, Springer, Stemmons, Stevenson, Tallmadge and Whipple—23.

So the report of the minority was adopted.

On motion of Mr. Hoyt, the Committee on Mileage was instructed to report the amount of mileage due each member.

Mr. Fairfield offered the following resolution :

*Resolved*, That the committee to whom was referred so much of the Governor's Annual Message as relates to the extension of the water front of the City of San Francisco, be and they are hereby instructed to report a bill within two weeks from this date, providing for the extension at such points as they may deem expedient ; the sale of the lots within the same ; the proceeds as far as required to be applied in payment of the existing indebtedness of the State.

Mr. Purdy moved to lay the resolution on the table.

Not agreed to.

Resolution adopted.

Mr. James, pursuant to notice, introduced proposed amendments to the Constitution, which, on motion, were laid on the table.

On motion of Mr. O'Neil, all the proposed amendments to the Constitution were taken from the table and referred to the joint committee already appointed on that subject, Mr. Bradford, chairman.



Mr. Sweetland presented a communication from the Attorney General upon the subject of electing Hospital Physicians at the present session of the Legislature, which was read and laid on the table.

Assembly bill No. 158, an Act to empower Courts of Sessions and Justices Courts to condemn prisoners to labor in certain cases, which was read a second time and referred to the Judiciary Committee.

Assembly bill No. 160, an Act to authorise George T. Marye to build a wharf at the end of Mission street into the bay of San Francisco, read a second time and referred to Committee on Commerce and Navigation.

Assembly bill, No. 159, an Act making appropriations for the payment of the per diem of members and officers of the Legislature.

Read a second time, and referred to Committee of Ways and Means.

Senate bill, No. 51, for an Act amendatory of an Act defining the time of commencing civil actions.

Read a second time, and referred to the Judiciary Committee.

Mr. Godard offered the following resolution, which was adopted :

*Resolved*, That the Committee on Hospitals be instructed to inform the Assembly of their estimate of the amount of contingent fund necessary to be appropriated for State Hospitals.

Assembly bill, No. 113, an Act authorizing Justices of the Peace to issue writs of injunction in certain cases, in mining counties, special order for March 1, and passed over, was then taken up, and

On motion of Mr. Dannels, Messrs. Gordon, James and Lindsey demanding the yeas and nays, was referred to the Committee on Mines and Mining Interests by the following vote.

#### YEAS.

Messrs. Anderson, Aylett, Ballou, Bostwick, Dannels, Davidson, Fairfield, Hastings, Hoyt, Hubbard, Hunt, James, Kellogg, Koll, Musser, Myres, McDuffie, McKenney, O'Neil, Pratt, Ring, Springer, Stowe, Tallmadge, Van Cleft, Warmcastle and Whitman—27.

#### NAYS.

Messrs. Bowie, Burton, Carr, Carrillo, Clingan, Cornwall, Ewer, Gordon, Henry, Houghtaling, Hunter, Letcher, Lindsey, Mandeville, McBrayer, McDonald, McDaniel, McGee, Noel, J. W. Park, Stemmons, Stevenson, Sweasey, Sweetland, Tivy, and Watkins—26.

Assembly bill, No. 39, an Act to amend an Act concerning crimes and punishments, passed April 16, 1850, special order for 21st Feb., and which was passed over, was taken up, and re-committed to the Judiciary Committee.

Assembly bill, No. 40, an Act to repeal sections one and two of an Act to amend an Act entitled an Act concerning crimes and punishments, passed April 22d, 1851, special order for February 21st, and which was passed over, was taken up, read a third time, and

On motion of Mr. Sweetland, Messrs. James, McDuffie and Hoyt demanding the yeas and nays, indefinitely postponed by the following vote.

YEAS.

Messrs. Ashley, Aylett, Ballou, Burton, Carr, Carrillo, Cornwall, Dannels, Davidson, Ewer, Gordon, Hastings, Henry, Herbert, Houghtaling, Hubbard, Hunt, Hunter, Kellogg, Koll, Lindsey, Mandeville, McDuffie, McDaniels, McKinney, Noel, Rowan, Stemmons, Sweetland, Tivy, Van Cleft, Warmcastle and Whipple—33.

NAYS.

Messrs. Anderson, Bagley, Bennett, Bostwick, Bowie, Briggs, Clingan, Fairfield, Gilbert, Godard, Hagans, Hoyt, James, Letcher, Myres, McBrayer, McDonald, O'Neil, J. W. Park, Purdy, Ring, Springer, Stowe, Sweasey, Tallmadge, Watkins and Whitman—27.

Mr. Ballou gave notice that, on to-morrow, he would move to re-consider the vote just taken.

The following message was received from the Senate :

I am instructed to inform the Assembly, that the Senate have, this day, passed a concurrent resolution directing the Board of Examiners of War Claims to prepare a statement of claims audited.

Also, Assembly bill for an Act to extend an Act for the protection of Game to the county of Colusi, and

Assembly bill for an Act to abolish the Board of Supervisors in and for the county of Marin.

All of which is respectfully submitted.

JOHN Y. LIND,  
Secretary.

Senate Concurrent Resolution, No. 56, directing the Board of Examiners of War Claims to prepare a statement of claims audited.

Concurred in.

Mr. Myres offered the following resolution, which was adopted :

*Resolved*, That the Assembly, the Senate concurring, will on the 24th day of the present month, at 12 o'clock, M., meet that body in Joint Convention for the purpose of electing a Resident and Assistant Physician for the Insane Asylum at Stockton, and two Resident and two Visiting Physicians for the State Marine Hospital at San Francisco.

Mr. Bostwick, chairman, made the following report :

The Committee on Accounts and Expenditures, to whom was referred Assembly bill, No. 154, entitled an Act for an appropriation of money for the publication of the Laws of 1850 and 1853, inclusive, have had the same under consideration, and beg leave to report it back to the House, and recommend its passage.

Assembly bill, No. 154, an Act for an appropriation of money for the publication of the Laws of 1850 and 1853, inclusive.

The bill was considered in Committee of the Whole, read a third time and lost.

Mr. Fairfield gave notice that he would, at an early day, introduce a bill for the protection of persons owning timber logs and lumber floating on water, or carried upon adjoining lands.

On motion of Mr. Myres, House adjourned until 11 o'clock to-morrow.

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## HOUSE OF ASSEMBLY.

WEDNESDAY, March 15, 1854.

House met pursuant to adjournment.

The roll was called, and the following members were absent :

Messrs. Bagley, Ballou, Dawley, Griffith, Herbert, Hoff, Hollister, Hubert, Lindsey, Musser and J. W. Park.

The Journal of Tuesday was read and approved.

On motion, leave of absence was granted to Mr. Lindsey for one day, to Mr. Fairfax for two days, to Mr. Musser for one day, and to Mr. Griffith for two days.

Mr. Purdy presented a petition from sundry citizens of San Francisco, owners of steamers and sailing vessels, praying the Legislature to define, by law, more clearly the duties of Harbor Master, in relation to the collection of a tax from vessels.

Petition read, and referred to Committee on Commerce and Navigation.

Mr. Watkins, chairman, made the following report :

The Committee on Corporations, to whom was referred Assembly bill No. 117, have had the same under consideration, and directed me to report it back with the following amendment :

After fourth section add section fifth—All Acts and parts of Acts repugnant to the provisions of this Act are hereby repealed.

The amendment was adopted, and

Assembly bill No. 117, an Act supplementary to the Act incorporating the city of Benicia,

Considered as engrossed, read a third time and passed.

The following reports were made from the Judiciary Committee.

The undersigned, a majority of the Judiciary Committee, have had under consid-

eration Assembly bill No. 17, entitled an Act amendatory of an Act to amend an Act respecting fugitives from labor, and slaves brought to this State prior to her admission into the Union, approved April 15, 1852, and herewith report a substitute for the same, and recommend its passage.

F. M. WARMCASTLE,  
M. W. GORDON,  
G. W. BOWIE,  
C. E. CARR,  
B. C. WHITMAN.

The undersigned, a minority of the Judiciary Committee, having duly considered Assembly bill No. 17, entitled an Act amendatory to an Act to amend an Act respecting fugitives from labor and slaves brought into this State prior to her admission into the Union, approved April 15, 1852, herewith report the same back to the House, and recommends its passage.

B. F. MYRES.

Assembly bill No. 17, above reported, together with the substitute was laid upon the table.

Mr. Myres made the following report from the Judiciary Committee :

The Judiciary Committee have had under consideration Senate bill No. 52, entitled an Act to amend an Act concerning Officers, passed April 28, 1851, the same being a substitute for Assembly bill No. 75, entitled an Act to declare the meaning and intention of an Act entitled an Act concerning Officers, passed April 28, 1851, the adoption and passage of which said substitute the committee respectfully recommend.

Also, Assembly bill No. 120, entitled an Act to amend an Act entitled an Act to regulate proceedings in Criminal Cases in the Courts of Justice of this State, passed May 1, 1851.

Also, Assembly bill No. 103, entitled an Act to legalize acknowledgments in certain cases taken and certified by County Recorders,

Which said several bills the committee recommend that they do not pass.

Also, Assembly bill No. 77, entitled an Act amendatory of an Act entitled an Act concerning District Attorneys, passed April 29, 1851, which the committee recommend should be indefinitely postponed.

Senate bill No. 52, above reported,

On motion of Mr. Stowe, amended, read a third time and passed.

Assembly bill 120 above reported,

On motion laid upon the the table.

Assembly bill No. 103, under consideration,

Mr. Ballou moved to lay the bill on the table.

Not agreed to.

The hour of 12 having arrived, the Speaker announced the special order of the day, which was Assembly bill No. 155, an Act to provide for the formation of Chatel Mortgages.

On motion of Mr. O'Neil, the House resolved itself into Committee of the Whole, Mr. O'Neil in the chair, to consider the bill.

After spending some time in its consideration, and amending the same,

On motion, the committee rose, reported back as amended, and asked to be discharged from its further consideration.

The committee was discharged.



The amendments made in Committee of the Whole were concurred in, generally by the House.

Mr. Gordon moved to strike out, in section seven, twelfth line, the words "door of the Court House of," and insert "at the place where the property is situated."

Agreed to.

Mr. Noel moved to amend by striking out, in the seventh section, the word "county."

Not agreed to.

Mr. Myres objected to a third reading of the bill, and

Messrs. Hubbard, McDonald and Stevenson demanded the yeas and nays.

#### YEAS.

Messrs. Ashley, Bennett, Bowie, Cornwall, Ewer, Godard, Gordon, Hagans, Hastings, Herbert, Horr, Houghtaling, Hoyt, James, Kellogg, Letcher, Mandeville, McDuffie, McDaniel, McGee, McKinney, Rowan, Spencer, Tivy, Whipple and Whitman—26.

#### NAYS.

Messrs. Anderson, Aylett, Bagley, Ballou, Briggs, Burton, Carr, Carrillo, Clingan, Dannels, Davidson, Fairfield, Gilbert, Hubbard, Hunt, Hunter, Koll, Myres, McBrayer, McDonald, Noel, O'Neil, Pratt, Purdy, Ring, Springer, Stemmons, Stevenson, Sweasey, Sweetland, Van Cleft and Warmcastle—33.

So the House refused to have the bill read a third time.

Assembly bill No. 103, which was under consideration at the hour of 12, was again taken up, and the House refused to pass it.

Assembly bill No. 77, an Act amendatory of an Act entitled an Act concerning District Attorneys, passed April 29, 1851, on its third reading,

On motion, was indefinitely postponed.

Mr. Herbert made the following report :

The Committee of Ways and Means, to whom was referred a bill entitled an Act to legalize assessments in the county of San Diego, have had the same under consideration, and beg leave to report it back to the House, and recommend its passage.

The bill was amended, considered as engrossed, read a third time and passed.

Mr. Herbert made a further report from the Committee of Ways and Means, in reference to appropriations for civil expenses of the State Government.

Bill and report made the special order for Friday next, at 12 o'clock.

Mr. Dannels, chairman, made the following report :

The Committee on Mines and Mining Interests, to whom was referred substitute to Assembly bill, No. 113, for an Act authorizing Justices of the Peace to issue writs of Injunction in certain cases in mining counties," report the same back to the House, and recommend that it do not pass.

The committee have also considered Assembly bill No. 54, for an Act for the better security and protection of Mining Claims, and are of the same opinion as expressed in a former report.

G. W. DANNELS,  
J. W. MANDEVILLE,  
JOHN B. McGEE,  
G. H. VAN CLEFT,  
S. G. WHIPPLE,  
A. BRIGGS,  
D. P. TALLMAGE,  
J. C. JAMES.

Assembly bills, above referred to,  
On motion laid upon the table.

Mr. O'Neil, chairman, made the following report :

The Committee on Engrossed Bills have examined, and found correctly engrossed an Act to amend an Act concerning the Courts of Justice of this State and Judicial Officers, approved May 19, 1853.

Mr. Bowie made the following report :

The delegation, to whom was referred the petition of the Court of Sessions of Colusi county, asking the Legislature to relinquish to that county for certain purposes, the State tax due by Samuel A. Morrison, on a Spanish grant in the same county, reports, that from information obtained from the Court and received from citizens of the county, that efforts have been ineffectually made to collect said tax, and there appears no prospect of doing so, by reason of persons being unwilling to invest the amount of money due, as tax, in an uncertain Spanish title.

The delegation, therefore, recommend that the prayer of the petitioners be granted, and will introduce a bill in conformity therewith.

Mr. Bowie introduced a bill for an Act to relinquish to the county of Colusi, that portion of the tax due the State by Samuel A. Morrison, on a Spanish grant in that county, and to authorize the Court of Sessions to enter into a contract with the said Morrison for the building of a bridge in satisfaction of said tax.

Read a first time, and ordered to a second reading on to-morrow.

The following message was received from the Governor :

I have the honor herewith to transmit a copy of a report of Hon. J. W. Denver, Secretary of State, in relation to the State Library.

JOHN BIGLER.

While the report of the Secretary of State was being read,

On motion, the further reading was dispensed with.

Mr. McKinney moved to print 1,000 copies of the report.

Not agreed to.

Mr. Dannels moved to print 240 copies.

Not agreed to.

Mr. Ewer moved to reconsider the vote which dispensed with the reading of the report of the Secretary of State.

Not agreed to.

On motion, the House adjourned until 11 o'clock to-morrow.

## HOUSE OF ASSEMBLY.

THURSDAY, March 16, 1854.

House met pursuant to adjournment.

The roll was called and the following members were absent :

Messrs. Cornwall, Dawley, Green, Herbert, Hollister, McBrayer, Nichols, J. W. Park, Purdy, Rowan, Tivy and Van Cleft.

The Journals of Wednesday were read and approved.

On motion, indefinite leave was granted to Mr. Musser in consequence of ill health.

Mr. Pratt presented a petition from sundry ladies of Ione Valley, Calaveras county, praying for the passage of the Maine Liquor Law.

Petition read and referred to Select Committee, Letcher, chairman.

Mr. McKinney presented two petitions, one from ladies of Santa Clara, and the other from gentlemen of the same county, praying for the passage of a law embracing the principles of the Maine Liquor Law.

Petition read and referred to Select Committee, of which, Letcher, chairman.

Mr. Whipple asked and obtained leave to read to the House the proceedings of a Democratic meeting of citizens in the county of Trinity ; after which

Mr. Bagley moved to print 240 copies of the paper.

Mr. Gordon moved to lay the motion to print on the table.

Agreed to.

Mr. Watkins made the following report :

The Committee on Corporations have had under consideration Assembly bill No. 156, and have instructed me to report back the same without amendment, and recommend its passage.

Assembly bill No. 156, an Act amendatory of the sixteenth section of an Act entitled an Act to provide for the formation of Corporations for certain purposes, approved April 14, 1853.

Considered as engrossed, read a third time and passed.

Mr. Myres, chairman, made the following report :

The Judiciary Committee to whom was referred Senate bill No. 27, for an Act to fix the sessions of the Supreme Court at the capital of the State, report that they have had the same under consideration, and recommend its passage with the following amendment : strike out the word "Capitol" in the fourth line of section one, and insert in lieu thereof the word "Capital."

Senate bill No. 27, above reported, amended as per recommendation from the committee.

Mr. Whitman moved to lay the bill on the table.

Not agreed to.

The bill was then passed, and the title amended by changing the word Capitol to Capital.

Mr. Dannels made the following report :

The Committee on Indian Affairs have had under consideration Assembly bill 49, for an Act for the government and protection of Indians. Your committee believe that the present statute for the government and protection of Indians covers the whole ground of the bill; they therefore recommend that it do not pass.

Mr. Kellogg moved to indefinitely postpone Assembly bill No. 49, above referred to.

The bill was indefinitely postponed.

Mr. Hastings made the following report :

The Committee on Counties and Boundaries have had under consideration a bill providing for the formation of a new county out of a portion of the territory of Tuolumne county, report the same back with amendments and an addition of one section, recommend the adoption of the same, and the passage of the bill.

Your committee have also had under consideration Assembly bill No. 153, for an Act to amend an Act entitled an Act to divide the State into counties, and establishing the seats of justice therein, passed April 25, 1851, report the same back without amendment and recommend its passage.

Assembly bill No. 36, a bill providing for the formation of a new county out of a portion of the territory of Tuolumne county under consideration.

On motion of Mr. Mandeville, the House resolved itself into Committee of the Whole, Mr. Irwin in the Chair, to consider the bill; after spending some time in its consideration, and amending the same,

On motion the committee rose, reported the bill back as amended, and asked to be discharged from its further consideration.

Committee was discharged.

The amendments made in Committee of the Whole were concurred in generally by the House, the bill considered as engrossed, read a third time and passed.

The hour of 12 o'clock, M., the special order of the day was announced by the Speaker, which was Assembly Joint Resolution No. 123, relating to lands donated to this State by the United States; on its third reading

Mr. Stowe moved to strike out of the resolution all in reference to the 500,000 acres of land for School purposes, and in reference to former action of the Legislature upon the subject.

Mr. Springer moved a call of the House.

The call was not sustained.

Mr. Warmcastle moved to recommit the resolution to the Committee on Public Lands.

Agreed to.

Mr. Ashley moved to reconsider the vote just taken.

The vote was taken to reconsider; 27 voted to reconsider, and 13 voted against reconsideration.

The Speaker decided, that as no quorum voted, the motion was not carried.

From which decision, Mr. Pratt appealed, and upon the appeal, Messrs. Mandeville, Burton, and Lindsey, demanded the yeas and nays :



## YEAS.

Messrs. Anderson, Aylett, Bennett, Bostwick, Bowie, Carr, Carrillo, Clingan, Cornwall, Davidson, Gordon, Griffith, Hastings, Henry, Hubbard, Hunter, Irwin, James, Kellogg, Koll, Lindsey, Mandeville, McBrayer, McDonald, McDuffie, McGee, McKinney, Noel, O'Neil, J. W. Park, Rowan, Spencer, Stemmons, Stevenson, Tivy, Van Cleft, Warmcastle, Watkins, Whipple and Whitman—40.

## NAYS.

Messrs. Ashley, Ballou, Burton, Ewer, Fairfield, Godard, Hagans, Horr, Houghtaling, Hoyt, Letcher, Pratt, Ring, Springer, Stowe, Sweasey, Sweetland and Tallmadge—18.

So the decision of the Chair was sustained.

The vote was then taken upon the motion of Mr. Ashley to reconsider the vote, and decided in the affirmative.

Mr. Warmcastle then withdrew his motion to recommit to the Committee on Public Lands.

Mr. Whitman renewed the motion to recommit to the Committee on Public Lands.

Not agreed to.

Mr. Sweetland moved to lay the resolution on the table.

Not agreed to.

Mr. Griffith offered the following amendment to the resolution: Insert in fifth line of the resolution, third page, after 1851, so far as the same may have been heretofore located and selected, and provided that said location and selection shall, in all cases, conform to the provisions of the Act entitled an Act to provide for the disposal of the five hundred thousand acres of land granted to this State by Act of Congress, passed May 3, 1852. Also, insert in the eleventh line of the resolution, third page, at the end of the line: By confirming to each individual who may have located or selected lands under the provisions of the said State law, the amount of land by him or her so located; in no case, however, to exceed six hundred and forty acres to each individual, and provided that said location does not conflict with any pre-emption heretofore made under the Acts of the Congress of the United States.

Mr. Mandeville moved to lay the amendment on the table.

Not agreed to.

Mr. Houghtaling moved to adjourn, Messrs. Ballou, Springer and Stowe demanded the yeas and nays:

## YEAS.

Messrs. Aylett, Bowie, Carr, Clingan, Houghtaling, Hubbard, Kellogg, Lindsey, Mandeville, McDuffie, McKinney, Noel, Sweetland, Van Cleft, Watkins and Whitman—16.

## NAYS.

Messrs. Anderson, Ashley, Ballou, Bennett, Bostwick, Burton, Carrillo, Cornwall, Dannels, Davidson, Ewer, Fairfield, Godard, Gordon, Griffith, Hagans, Hastings, Henry, Horr, Hoyt, Hunter, Irwin, James, Koll, Letcher, McBrayer, McDonald, McDaniel, McGee, O'Neil, J. W. Park, Pratt, Purdy, Ring, Rowan, Spencer, Springer, Stemmons, Stevenson, Stowe, Sweasey, Tallmadge, Tivy and Warmcastle—44.

So the House refused to adjourn.

Mr. Sweasey moved to indefinitely postpone the whole subject, and

Messrs. Mandeville, Hubbard and Purdy demanded the yeas and nays :

## YEAS.

Messrs. Carr, Hagans, Hastings, Horr, Hoyt, Hubbard, Koll, Lindsey, Mandeville, McKenny, Noel, Purdy, Van Cleft, Watkins, and Whitman—15.

## NAYS.

Messrs. Anderson, Ashley, Aylett, Ballou, Bennett, Bostwick, Bowie, Burton, Carrillo, Clingan, Dannels, Davidson, Ewer, Fairfield, Godard, Gordon, Griffith, Henry, Houghtaling, Hunter, Irwin, James, Kellogg, Letcher, McBrayer, McDonald, McDuffie, McDaniel, McGee, O'Neil, J. W. Park, Pratt, Ring, Rowan, Spencer, Springer, Stemmons, Stevenson, Stowe, Sweasey, Sweetland, Tivy, and Warmcastle—43.

So the House refused to indefinitely postpone.

Mr. Godard moved a call of the House.

The call was sustained.

The roll was called, and the following members were absent, Messrs. Bagley, Briggs, Cornwall, Dawley, Gilbert, Green, Herbert, Hoff, Hollister, Myres, McBrayer, Nichols, Stevenson, and Tallmadge.

Mr. Fairfield moved to dispense with further proceedings under the call.

Not agreed to.

On motion, Mr. McBrayer was admitted within the bar of the House and excused.

Mr. Bowie moved to dispense with farther proceedings under the call.

Not agreed to.

Mr. Bostwick moved to dispense with farther proceedings under the call.

Not agreed to.

On motion of Mr. Hubbard the House dispensed with farther proceedings under the call.

Mr. Purdy moved to adjourn, and Messrs. Ballou, Springer and Purdy, demanded the yeas and nays.

## YEAS.

Messrs. Aylett, Burton, Clingan, Dannels, Ewer, Gordon, Henry, Houghtaling, Hubbard, Kellogg, Koll, Lindsey, Mandeville, McBrayer, McDonald, McDuffie, McDaniel, McGee, McKinney, Noel, J. W. Park, Purdy, Spencer, Sweetland, Tivy, Van Cleft and Watkins—27.

## NAYS.

Messrs. Anderson, Ashley, Ballou, Bennett, Bostwick, Carrillo, Davidson, Fairfield, Godard, Griffith, Hagans, Horr, Hunter, Irwin, James, Letcher, O'Neil, Pratt, Ring, Springer, Stemmons, Whipple and Mr. Speaker—23.

So the House adjourned with the amendment of Mr. Griffith pending.

## HOUSE OF ASSEMBLY.

FRIDAY, March 17, 1854.

House met pursuant to adjournment.

The roll was called, and the following members were absent :

Messrs. Cornwall, Gilbert, Green, Griffith, Hoff, Irwin, Myres, McBrayer, J. W. Park, Purdy and Van Cleft.

The Journal of Thursday was read and approved.

Mr. Watkins made the following report :

The Committee on Federal Relations, to whom was referred the petition of B. F. Mauldin praying the aid of the Legislature to enable him to establish a free watering place in the great Humboldt Desert, have had the same under consideration, and have instructed me to report the following preamble and resolutions.

Joint Resolution in relation to establishing a free watering place in the Humboldt Desert.

Read a first time, and ordered to a second reading on to-morrow.

Mr. James moved to print 240 copies of the resolution.

Not agreed to.

Mr. O'Neil made the following report :

The Committee of Engrossment have examined, and find correctly engrossed, an Act amendatory of the 16th section of an Act entitled an Act to provide for the formation of Corporations for certain purposes, approved April 14, 1853.

And an Act to legalize assessments in the county of San Diego.

And an Act supplementary to the Act incorporating the City of Benicia.

Mr. Spencer made the following report :

The Committee on State Hospitals, to whom was referred the report of the Trustees and Physicians of the State Marine Hospital, having carefully examined the same, submit the following report :

The Committee find that the gross receipts for the year amount to the sum of \$143,725, of which, only \$22,146 was in cash—the balance being in San Francisco City and State bonds—the aggregate realized in cash from all sources being \$125,457 21.

The expenditures and indebtedness for the same period amount to the sum of \$155,456 21, thus showing an excess of expenditures above receipts of \$30,000 yet unpaid.

From the Physicians report, it is found that 2,801 patients were admitted during the year, of which number 1,556 were admitted during the last half of the year, of

whom 951 were from the City of San Francisco—336 remained in hospital at the date of the report.

The average expense to the State of each patient is found to have been \$55 50 showing an increased expense of \$12 25 for each patient when compared with the average under the old system of hospitals.

The proportionate mortality is evidently decreasing yearly, having fallen as low as 12 3-4 per cent. for the year, and 10 per cent. for the last six months; but slightly greater than the average mortality of the hospitals of New York and Massachusetts.

The Committee have also carefully considered the resolution instructing them to report estimates of the contingent fund necessary to be appropriated for State Hospitals. Basing our conclusions upon the exhibit of expenses for the past year, we estimate for the Insane Asylum \$35,000 in addition to the fund derived from the commutation tax; for the State Marine Hospital an appropriation of \$75,000 will be required in addition to the sums that may be received from commutation tax and gaming license.

The Committee would further recommend that, in addition to the above estimated appropriation for the State Marine Hospital, an appropriation be made sufficient to pay the outstanding debts against it on the 1st of January last.

All of which is respectfully submitted.

SPENCER,  
HARRIS,  
AYLETT,  
GILBERT.

The following message was received from the Governor :

*To the Senate and Assembly of California :*

I have the honor herewith to transmit a copy of a communication received on the 16th inst., from Hon. S. McMeans, State Treasurer, suggesting amendments to an Act entitled an Act supplementary to an Act to fund the debt of the State, approved May 4, 1852. The suggestions of the Treasurer of State are important, and deserving of immediate and favorable consideration.

JOHN BIGLER.

The communication from the State Treasurer was read, and referred to Committee of Ways and Means.

Mr. Hoyt offered the following, which was adopted :

*Resolved*, That the Governor be requested to inform the Assembly whether the papers and vouchers necessary to a correct understanding of the claims of this State upon the General Government for the suppression of Indian hostilities, have been forwarded to our Senators and Representatives in Congress.

Mr. Sweetland presented a communication from the Attorney General in reference to the amount of contingent fund necessary for his office.

Communication read and referred to Committee on Ways and Means.

The unfinished business of yesterday under consideration when the House adjourned, a Joint Resolution relating to lands donated to this State by the United States, was taken up for consideration.



The amendment offered by Mr. Griffith on yesterday being under consideration,

Mr. Bennett moved to amend the amendment as follows :

By striking out " 640," and insert " 160 acres."

While the amendment to the amendment was under consideration, the hour of 12 was announced, and the special order of the day fixed for that hour was taken up, which was an Act making appropriations for the civil expenses of Government.

On motion of Mr. Mandeville, the House resolved itself into Committee of the Whole, Mr. Mandeville in the chair, to consider the bill.

After spending some time in the consideration of the bill, and making sundry amendments thereto,

On motion, the committee rose, reported the bill back as amended, recommended the passage of the same, and asked to be discharged from its further consideration.

The committee was discharged.

The amendments made in Committee of the Whole were concurred in generally by the House.

Mr. Stowe moved to strike out five thousand dollars special contingent fund for the Governor, and insert twenty-five hundred dollars, upon which

Messrs. Stowe, Gordon and Houghtaling, demanded the yeas and nays.

#### YEAS.

Messrs. Ashley, Bennett, Bostwick, Bowie, Burton, Carr, Cornwall, Ewer, Gordon, Hagans, Hastings, Herbert, Horr, Houghtaling, Hubbard, Hunter, James, Letcher, Lindsey, Mandeville, McDuffie, McDaniel, McGee, McKinney, Noel, Stemmons, Stevenson, Stowe, Van Cleft, Watkins and Whitman—31.

#### NAYS.

Messrs. Anderson, Aylett, Bagley, Ballou, Bradford, Briggs, Carrillo, Clingan, Dannels, Davidson, Dawley, Fairfield, Godard, Griffith, Hollister, Hoyt, Hunt, Irwin, Kellogg, Koll, Myres, McBrayer, McDonald, Nichols, J. W. Park, Pratt, Purdy, Ring, Rowan, Spencer, Springer, Sweasey, Sweetland, Tallmadge, Tivy, Whipple and Mr. Speaker—37.

So the House refused to strike out and insert.

Mr. Ashley moved to strike out twenty-five hundred dollars for pay of the Governor's Private Secretary, and insert eighteen hundred dollars, upon which motion

Messrs. Ashley, Kellogg, and Watkins demanded the yeas and nays.

#### YEAS.

Messrs. Ashley, Bennett, Bostwick, Bowie, Burton, Carr, Cornwall, Dannels, Ewer, Gordon, Hagans, Hastings, Herbert, Houghtaling, Hunter, Irwin, James, Letcher, Lindsey, Mandeville, McDuffie, McDaniel, McGee, McKinney, Noel, Stemmons, Stevenson, Stowe, Tivy, Van Cleft, Watkins and Whitman—32.

#### NAYS.

Messrs. Anderson, Aylett, Bagley, Ballou, Briggs, Carrillo, Clingan, Davidson, Dawley, Fairfield, Godard, Griffith, Hollister, Horr, Hoyt, Hubbard, Hunt, Kellogg, Koll, Myres, McBrayer, McDonald, Nichols, O'Neil, Pratt, Purdy, Ring, Rowan, Spencer, Springer, Sweasey, Sweetland, Tallmadge and Mr. Speaker—34.

So the House refused to strike out and insert.

The bill was then read a third third time, and  
Messrs. Kellogg, Stowe and Burton demanded the yeas and nays.

## YEAS.

Messrs. Anderson, Aylett, Bostwick, Briggs, Carrillo, Dawley, Fairfield, Gilbert, Hollister, Horr, Hoyt, Hunt, Koll, McBrayer, McDonald, McDuffie, McDaniel, Noel, O'Neil, J. W. Park, Pratt, Rowan, Spencer, Stemmons, Sweetland, Whipple and Mr. Speaker—27.

## NAYS.

Messrs. Ashley, Ballou, Bennett, Bowie, Burton, Carr, Clingan, Cornwall, Dannels, Davidson, Ewer, Gordon, Griffith, Hagans, Hastings, Henry, Herbert, Houghtaling, Hubbard, Hunter, Irwin, Kellogg, Letcher, Lindsey, Mandeville, Myres, McGee, McKinney, Nichols, Purdy, Ring, Springer, Stevenson, Stowe, Sweasey, Tallmadge, Tivy, Van Cleft, Watkins and Whitman—40.

So the House refused to pass the bill.

Mr. Stowe moved to adjourn, and Messrs. Hubbard, Pratt and Griffith demanded the yeas and nays.

## YEAS.

Messrs. Ashley, Aylett, Bagley, Bowie, Carr, Clingan, Cornwall, Dannels, Godard, Gordon, Hastings, Henry, Herbert, Houghtaling, Hunt, Hunter, Letcher, Mandeville, Myres, Noel, Purdy, Spencer, Stemmons, Stowe, Sweetland, Tivy, Watkins, Whipple and Whitman—29.

## NAYS.

Messrs. Anderson, Ballou, Bennett, Bostwick, Briggs, Burton, Carrillo, Davidson, Dawley, Ewer, Fairfield, Griffith, Hagans, Hollister, Horr, Hoyt, Hubbard, Irwin, James, Kellogg, Koll, McBrayer, McDonald, McDuffie, McDaniel, McGee, McKinney, Nichols, J. W. Park, Pratt, Ring, Rowan, Springer, Stevenson, Sweasey, Tallmadge, Van Cleft and Mr. Speaker—38.

So the House refused to adjourn.

Mr. Griffith moved to reconsider the vote which refused to pass the bill under consideration.

Mr. Mandeville moved to lay the motion to reconsider on the table.

Not agreed to.

Mr. Stowe moved to adjourn.

Not agreed to.

Mr. Mandeville moved to indefinitely postpone the motion to reconsider.

Not agreed to.

The motion to reconsider was then put, and decided in the affirmative.

The vote was then taken upon the final passage of the bill, and

Messrs. Hagans, Hastings and Fairfield demanded the yeas and nays.

## YEAS.

Messrs. Anderson, Aylett, Bagley, Ballou, Bostwick, Briggs, Carrillo, Davidson, Dawley, Fairfield, Godard, Griffith, Hollister, Horr, Hoyt, Hubbard, Hunt, Kellogg, Koll, McBrayer, McDonald, McDaniel, McDuffie, Noel, O'Neil, J. W. Park, Pratt, Purdy, Ring, Rowan, Spencer, Springer, Sweetland and Mr. Speaker—34.

## NAYS.

Messrs. Ashley, Bennett, Bowie, Burton, Carr, Clingan, Cornwall, Dannels, Ewer, Gordon, Hagans, Hastings, Henry, Houghtaling, Hunter, Irwin, James, Letcher, Lindsey, Mandeville, Myres, McGee, McKinney, Stemmons, Stevenson, Stowe, Sweasey, Tallmadge, Tivy, Van Cleft, Watkins and Whitman—32.

So the bill passed.

On motion of Mr. Hoyt, the House adjourned until 11 o'clock to-morrow.

## HOUSE OF ASSEMBLY.

SATURDAY, March 18, 1854.

House met pursuant to adjournment.

The roll was called, and the following members were absent :

Messrs. Bagley, Bowie, Bradford, Carr, Cornwall, Davidson, Dawley, Gilbert, Godard, Green, Griffith, Hoff, Hollister, Hubert, McDuffie, McDaniel, Nichols, O'Neil, J. W. Park, Purdy and Rowan.

The Journal of Friday was read and approved.

On motion, leave of absence was granted to Mr. Davidson for two days ; to J. W. Park for three days ; to Mr. Hoff for four days ; and to Mr. McDuffie for one day.

Assembly bill No. 153, an Act to amend an Act entitled an Act dividing the State into counties, and establishing the seats of Justice therein, passed April 25, 1851.

On its third reading, considered as engrossed, read a third time and passed.

Mr. Tivy, chairman, made the following report :

The Joint Committee on Enrollment have examined, and found correctly enrolled, the following acts, viz :

An Act to incorporate the city of Oakland.

An Act to extend an Act for the protection of Game in the county of Colusi ;  
And an Act to abolish the Board of Supervisors in and for the county of Marin.

The following messages were received from the Senate :

I am instructed to inform the Assembly that on yesterday the Senate passed Assembly bill for an Act to abolish the Board of Supervisors in the county of Contra Costa ;

And Assembly Concurrent Resolution to go into convention on the 24th instant to elect Physicians to the Insane Asylum and State Marine Hospital, with amendments as therein shown.

JOHN Y. LIND,  
Secretary.

Senate amendments to Assembly Concurrent Resolution agreed to by the House.

I am instructed to inform the Assembly that the Senate passed, on yesterday, the following bills :

An Act relative to transferring actions and proceedings from one court to another court.

An Act to amend an Act entitled an Act concerning the office of Comptroller, passed January 19, 1850 ; and

Assembly bill for an Act to amend an Act concerning the courts of justice of this State and judicial officers, approved May 19, 1853.

All of which is respectfully submitted.

JOHN Y. LIND,  
Secretary.

Senate bill No. 55, an Act relative to transferring actions and proceedings from one court to another court.

Read a first and second time and referred to Judiciary Committee.

Senate bill No. 65, an Act to amend an Act entitled an Act concerning the office of Comptroller, passed January 19, 1850.

Read a first time and ordered to a second reading on to-morrow.

Mr. O'Neil made the following report :

The Committee on Engrossments have examined and find correctly engrossed, an Act to create the county of Stanislaus.

Mr. Hagans gave notice that at an early day he would introduce a bill for an Act to amend the fifty-fourth section of the tenth article of an Act to provide revenue for the support of the Government of this State, passed May 18, 1853.

Mr. Letcher gave notice that he would, at an early day, introduce a bill to provide for the payment of the debt due from Alameda county to the counties of Santa Clara and Contra Costa.

Mr. Hubbard gave notice that an early day he would introduce a bill for an Act to authorise the corporate authorities of the city of San Francisco to contract with J. C. Chaviteau or other parties, to improve and beautify Portsmouth Square in the city of San Francisco.

Mr. Ballou gave notice that an early day he would introduce a bill abrogating the death penalty for grand larceny.

Mr. Hagans gave notice that at the earliest opportunity he would introduce a bill for an Act to protect the settlers on public land.

Mr. Ewer gave notice that he would, at an early day, introduce a bill to extend the time of final settlement of the Collector of Butte county.



Mr. Fairfax gave notice that on to-morrow, or at an early day thereafter, he would introduce a bill to divide the Tenth Judicial District and to create a new Judicial District.

Mr. Godard gave notice that he would, on to-morrow, introduce a bill to amend an Act entitled an Act concerning salaries of officers and members of the Legislature, passed May 11, 1852.

Mr. Griffith moved that the Committee on Public Lands be allowed to make a report.

Agreed to.

Mr. Bradford, Chairman, made the following report :

The Committee on Public Lands to whom was referred Assembly bill for an Act for the protection of settlers, have had the same under consideration, and a majority of the committee report the same back and recommend its passage.

Assembly bill No. 85, an Act for the protection of settlers,  
On motion, made the special order for Thursday next, at 12 o'clock.

Mr. Bradford made a further report :

The Committee on Public Lands, to whom was referred Assembly bill for an Act for the protection of settlers upon public lands, have had the same under consideration, beg leave to report it back and recommend that it be not passed.

Assembly bill No. 115, above reported,  
On motion, laid upon the table.

Senate bill No. 82, an Act to provide for the payment of the official Reporters of the Senate, read a second time and referred to the Committee on Claims.

Senate bill No. 76, for an Act to authorise the Court of Sessions of the county of San Joaquin and Tuolumne to levy and collect a special tax for the support and maintenance of the indigent sick of said counties, read a second time and referred the delegation from San Joaquin and Tuolumne counties.

Assembly bill No. 162, an Act to amend an Act entitled an Act concerning crimes and punishments, passed April 16, 1850, read a second time and referred to Judiciary Committee.

Assembly joint resolutions No. 166, in relation to the establishment of a free watering place in Humboldt Desert, read a second time and ordered to a third reading on to-morrow.

Assembly bill, an Act to relinquish to the county of Colusa that portion of the tax due the State by Samuel A. Morrison, on a Spanish grant in that county, and to authorise the Court of Sessions to enter into a contract with said Morrison for the building of a bridge in satisfaction of said tax, read a second time and ordered to a third reading on to-morrow.

Assembly bill No. 164, an Act to provide for the better observance of the Sabbath day.

Read a second time and referred to Select Committee, of which Mr. Letcher is chairman.

Assembly bill 163, an Act to amend an Act concerning Notaries Public.  
Read a second time, and ordered to a third reading on to-morrow.

Mr. Herbert moved to take from the table Assembly bill No. 17, an Act amendatory to an Act to amend an Act respecting Fugitives from Labor and Slave

brought to this State prior to her admission into the Union, approved April 15, 1852.

Agreed to.

Mr. Hoyt moved to go into Committee of the Whole.

Not agreed to.

Mr. Myres moved the following amendment to the bill: Insert after the word territory where it first occurs in the bill, "of the United States by the laws of such State or Territory."

Amendment adopted.

Mr. Mandeville moved to adopt the substitute offered by the majority of the Judiciary Committee, and Messrs. Letcher, Sweasey, and Ballou demanded the yeas and nays.

Mr. Hoyt moved a call of the House.

The call was not sustained.

#### YEAS.

Messrs. Anderson, Ashley, Ballou, Bennett, Bostwick, Bowie, Briggs, Dannels, Ewer, Fairfield, Godard, Hastings, Hollister, Hoyt, Hunt, Letcher, Mandeville, McDonald, Purdy, Spencer, Springer, Stevenson, Stowe, Sweasey, Tallmadge, Warmcastle, Whipple and Whitman—28.

#### NAYS.

Messrs. Aylett, Bradford, Burton, Carrillo, Clingan, Cornwall, Dawley, Gordon, Griffith, Hagans, Henry, Herbert, Hunter, Irwin, James, Koll, Lindsey, Myres, McBrayer, McGee, McKinney, Nichols, Noel, Ring, Rowan, Stemmons, Sweetland, Tivy, Van Cleft, Watkins and Mr. Speaker—35.

So the House refused to adopt the substitute.

Mr. Hoyt offered the following amendment to the bill, and Messrs. Stemmons, Hoyt and Tallmadge demanded the yeas and nays.

Mr. Hoyt moved to amend by striking out from the words, provisions of this Act, to the proviso, and insert as follows:

"Go before any Justice of the Peace, or Clerk of any District Court in this State, and upon making affidavit that the person whose service and labor is claimed, is the property of the claimant under the laws of the State or Territory from which he emigrated, and that said person was brought or introduced into this State previous to the admission of the same, as one of the United States of America, said Justice or Clerk, as the case may be, shall thereupon issue a warrant for the arrest of said person owing such service or labor. Upon the return of said warrant duly served, if issued by a Justice of the Peace, the defendant may demand an immediate trial by jury, or by his affidavit, have a continuance of said cause for any time, not exceeding twenty days, to procure witnesses and prepare for said trial. Upon the hearing of the same, the burden of proof shall be upon the claimant, to show by competent proof, by disinterested witnesses, first, that the person claimed is the property of the claimant under the laws of the State or Territory from whence he was brought; second, that the person was brought or introduced into this State before its admission as one of the United States of America. A failure to establish either or both of said facts shall entitle the defendant to his or her discharge. When said proceedings are had in the District Court, the proceedings shall be the same as in the Justice's Court, with the exception that the trial shall be had at the first ensuing

term of said court after the arrest. The defendant shall be held in custody from the time of arrest until the determination of the trial and conviction, or discharge under the same. Upon conviction, the Judge or Justice of the Peace, as the case may be, shall give a certificate to the claimant, which shall be conclusive of the right of the person or persons to whom the same is granted, to remove said person to the State or Territory from which he was brought.

YEA.

Mr. Ballou.

NAYS.

Messrs. Anderson, Aylett—

When the name of Mr. Ashley was called, he did not vote.

Mr. Burton moved that Mr. Ashley be excused from voting; the vote was taken and no quorum voted.

Mr. Ashley then answered to his name, and voted in the negative.

YEAS.

Messrs. Briggs, Godard, Hoyt.

NAYS.

Messrs. Bennett, Bowie, Bradford, Burton, Carr, Carrillo, Cornwall, Danne Dawley, Ewer, Fairfield, Griffith, Hagans, Henry, Herbert, Hollister, Horr, Houghtaling, Hubbard, Hubert, Hunt, Hunter, James, Kellogg, Koll, Lindsey, Manville, Myres, McDonald, McGee, McKinney, Nichols, Noel, O'Neil;

When the name of Mr. Purdy was called, he asked to be excused as he had paired off with an absent member.

On motion he was excused.

YEAS.

Messrs. Ring and Sweasey.

NAYS.

Messrs. Rowan, Springer, Stemmons, Stevenson, Sweetland, Tallmadge, T Van Cleft, Warmcastle, Watkins.

When the name of Mr. Whipple was called, he declined to vote.

A motion was made to excuse Mr. Whipple from voting.

Not agreed to.

Mr. O'Neil moved to re-consider the vote just taken.

Vote re-considered.

And on motion, Mr. Whipple was excused from voting.

NAYS.

Messrs. Whitman and Mr. Speaker.

There were yeas 6; and nays 49.

So the House refused to adopt the amendment.

Mr. Letcher offered the following amendment to the bill, "strike from the bill except that which relates to Fugitives from Labor."

Not agreed to.

Mr. Ballou moved to adjourn.

Not agreed to.

Mr. Springer moved a call of the House.

Call not sustained.

Mr. James offered the following amendment, strike out the words in first section or Territory."

Not agreed to.

The bill was then read a third time, and upon its final passage, Messrs. Burton, Hoyt and Ashley, demanded the yeas and nays.

Mr. Springer moved a call of the House.

The call was not sustained.

On motion, Mr. Clingan was excused from voting upon the passage of the bill.

#### YEAS.

Messrs. Aylett, Bennett, Bowie, Bradford, Carr, Carrillo, Cornwall, Dawley, Gordon, Griffith, Hagans, Henry, Herbert, Horr, Houghtaling, Hunter, James, Lindley, Mandeville, Myres, McGee, McKinney, Noel, O'Neil, Rowan, Springer, Stemons, Sweetland, Tivy, Van Cleft, Watkins, Whitman and Mr. Speaker—33.

#### NAYS.

Messrs. Anderson, Ashley, Ballou, Bostwick, Burton, Ewer, Fairfield, Godard, Hollister, Hoyt, Hubbard, Kellogg, Koll, Letcher, McDonald, Ring, Stevenson, Sweasey, Tallmadge, Warmcastle and Whipple—21.

So the bill passed.

Mr. Tallmadge offered the following amendment to the title of the bill, "an Act respecting Fugitive Slaves escaping to this State prior to her admission into the Union."

Not agreed to.

Mr. Springer gave notice that he would move a re-consideration of the vote on Monday next which passed the bill.

On motion, the House adjourned until 11 o'clock, on Monday next.



## HOUSE OF ASSEMBLY

Monday, March 20, 1894

House not pursuant to adjournment.

The roll was called and the following members were absent:

Messrs. Foster, Fugate, Hamilton, Anthony, Cannon, Hamilton, Hastings, H. H. Wilson, Williamson, Walker and Van Fleet.

The Journal of Saturday was read, approved and approved.

On motion, leave was granted to Mr. Foster to be absent for three days, to Mr. Fugate to be absent for three days, to Mr. Hamilton to be absent for three days, to Mr. H. H. Wilson and Mr. Hamilton to be absent for three days in consequence of sickness.

Mr. Liver made the following report:

The committee to whom was referred at last in the House of Representatives for the purpose of having a bill introduced in the House of Representatives, and report the bill back to the House and recommend its passage.

On motion, the bill was laid on the table.

Mr. Simmons made the following report:

The Committee on Agriculture to whom was referred at last concerning land for the purpose of having a bill introduced in the House of Representatives, and report the bill back to the House and recommend its passage.

On motion, the report of the committee was ordered to be printed.

Mr. H. H. Wilson made the following report:

The Committee on Engraving have examined and find necessary to be introduced in the House of Representatives, and report the bill back to the House and recommend its passage.

Mr. Fugate made the following report:

The Joint Committee on Engraving have examined and find necessary to be introduced in the House of Representatives, and report the bill back to the House and recommend its passage.

An Act to increase the duty of Engraving.

An Act to amend an Act for the purpose of having a bill introduced in the House of Representatives, and report the bill back to the House and recommend its passage.

An Act to amend an Act for the purpose of having a bill introduced in the House of Representatives, and report the bill back to the House and recommend its passage.

An Act supplementary to an Act to amend an Act for the purpose of having a bill introduced in the House of Representatives, and report the bill back to the House and recommend its passage.

An Act to organize the County of Plumas out of a portion of the territory of Butte county; also,

Joint Resolutions in relation to holding a session of the Board of U. S. Land Commissioners at the city of Los Angeles; and

Joint Resolutions in favor of additional mail facilities for California and Oregon; and

Also, that they have examined, and found correctly enrolled, the following Acts, viz:

An Act making appropriations for the civil expenses of Government of the State for the unexpired portion of the fiscal year ending on the 30th day of June, 1854, and for the first seven months of the fiscal year, commencing on the 1st day of July, 1854.

An Act to abolish the Board of Supervisors in the County of Contra Costa; and

An Act to amend an Act concerning the Courts of Justice of this State and Judicial Officers, approved May 19, 1853.

Mr. Spencer, chairman, made the following report:

The Joint Select Committee, who were appointed to visit the State Marine Hospital and Insane Asylum, beg leave to report:

Your committee, in pursuance of their authority, visited San Francisco, and after a careful examination of the State Marine Hospital, and the mode of conducting the same, find the professional, as well as the police, department conducted in accordance with the law creating this institution.

The building now occupied for hospital purposes we found cleanly, well ventilated, suitably furnished, and capacious enough to meet the wants of the State. The general police of the establishment will bear a favorable comparison with the best regulated hospitals in the older States; while the mortality is no greater than that of New York or Boston in similar institutions.

When we take into consideration that many of the persons brought into the hospital are patients laboring under diseases contracted in passing through a tropical climate, and that they are greatly debilitated from the effect of a long sea voyage, and that none but the very worst cases are brought to the hospital, we take great pleasure in stating, that the result of the practice of the physicians attached to the hospital, has been highly flattering to their skill as medical men, and gratifying to all philanthropists. In short, the professional department, from our observation, and upon the examination of the records and prescription books, and upon inquiries of patients, is under the direction of gentlemen in whom we have every confidence, both as to integrity and professional ability, and we have every reason to believe that the physicians have discharged their duties faithfully, and with credit to the profession to which they belong. No well founded complaint has been adduced or sustained against them from an examination of the records and vouchers submitted to us, or other testimony within our knowledge; and we have every reason to commend both the skill of the physicians and the commendable financial management of the hospital.

Your committee is of the opinion, that some changes in the law regulating the affairs of the hospital may with advantage be made. At present, the two resident physicians are co-equal in power, which may possibly be the cause of a conflict of opinion as to the kind and necessity of certain supplies for the hospital, and auditing bills for the same. To avoid this difficulty, we would recommend that there be one principal resident physician, whose duty it shall be to procure such necessaries as the institution may require, and audit all bills for the same; and one assistant resident physician, who shall perform the duties incumbent upon the other, except as to the qualification above stated.

In the selection of visiting physicians, it is of the greatest importance that one of

them, at least, should be thoroughly skilled in surgery. It is to be presumed that all graduates in medicine have devoted an appropriate amount of time, while students, to surgery : but in the profession, it is equally well known, that a fondness for the study of one branch of the profession, may, with practice, render a physician more skilful in a particular department than in another.

Your committee would suggest, in view of the great expense attending the maintenance of a large hospital in the city of San Francisco, and believing that said expense is not justified by the finances of the State, and true economy would be promoted, would recommend the passage of a law abolishing the State Marine Hospital at the expiration of twelve months, and providing that each county shall be at the cost of maintaining their sick, and further to provide that the commutation tax shall be divided *pro capita* to the different counties. The reasons for this recommendation are as follows : At the present time, the sick at the hospital belong chiefly to three or four counties of the State—many counties not sending any—thus placing a tax upon counties which by geographical position are deprived of receiving any of the benefits of the tax.

Three-fourths of the patients have been sent by the city authorities. This may arise, and no doubt is so to a great extent, from the fact, that many arrive in that city from the various counties in the State, sick and destitute, who have not provided themselves with the necessary permit from the County Judge of their last residence, and consequently appear as San Francisco city patients.

#### FINANCES.

The financial condition of the hospital will be found, in detail, by reference to the report of the Trustees submitted to the Legislature, embracing the receipts and expenditures from January 1, 1853, to January 1, 1854.

#### BUILDING.

Your committee have examined the buildings formerly occupied for the Hospital, and find that they were totally unfit for the accommodation of sick persons—some of the rooms being deluged with water in every rain, and the building not being ceiled or plastered, the winds had free access through all parts of the building. The cost of the house, with out-houses, was \$1,375 per month, while the present building, which is capacious and comfortable, costs but \$1,400. The per cent. of deaths in the old building was 18-100ths, while in the new it is but 10-100ths, showing that the change has been highly conducive to the successful treatment of patients.

Your committee have also visited the Insane Asylum at Stockton, and after a careful examination into the manner in which it is conducted and managed, are satisfied that the great design contemplated in its establishment is fully appreciated by the officers having it in charge. Taking into consideration the short time that has elapsed since the conception of this work, and the difficulties that have encumbered the undertaking, great credit is due the managers for the indefatigable energy displayed in thus far forwarding its completion.

In accordance with the law establishing the Asylum, the Trustees have caused to be built, upon the site originally intended for the State Hospital, a two story brick building. This building was completed in October last, and the patients removed into it from the insecure and uncomfortable quarters in the city. This change has been found to be very beneficial, as the patients now occupy large well ventilated rooms, and are allowed the exercise which in a great measure was denied them, necessarily, while in the city. Nothing advances the recovery of these unfortunate creatures so much as supplying their physical wants in a liberal manner, and surrounding them with appliances of comfort and convenience.

Your committee take pleasure in reporting that, in all these particulars, they



found no deficiencies, except such as arise from the want of time to produce them, or a more liberal endowment. The number of patients has increased rapidly during the past six months, and the only obstacle of moment that impedes the highly successful operation of the institution arises from the limited room afforded by the present building. It is inadequate to the wants and proper treatment of the inmates. Their number is so great as to render the necessary and indispensable classification entirely out of the question. The building is sufficiently large to accommodate eighty patients, whereas there is an average of over one hundred.

The city of Stockton has closed and deeded to the State the street which divided the Asylum grounds, thus removing the only impediment in the way of extending the Asylum according to the original plan.

The financial condition of the Asylum can be better understood by a reference to the recent report of the Trustees than by any abstract presented here, and it is only necessary to add, in this connection, that the recent appropriation of \$15,000 cleared off its debts to February 1st ult.

Your committee would recommend that appropriations be made for enclosing and fencing the Asylum grounds, believing that it would result in a great saving to the State by supplying those domestic products to the purchase of which a large portion of the expenditure is now applied, besides affording to patients the exercise that is so beneficial during their convalescence. The yard surrounding the building was improved solely by inmates, under the direction of the Superintendent. Walks are laid, trees and shrubbery planted, and, we believe, that all the work necessary to carry on the business of the farm will be supplied by inmates, under the proper direction.

The great good which this charity is producing, and the increasing number of patients presenting for treatment, demonstrates the necessity for fostering and rendering as effective as possible this means of restoring the lunatic to reason and usefulness. Other States deem institutions of this kind the perfection of philanthropical effort, and are proud of the perfection to which they are brought. They do not esteem them too highly.

During the short time that this institution has been in operation, all classes, conditions and professions of society have been recipients of its benefits. From this institution there has been discharged 184 persons cured, out of 284, the whole number admitted since its establishment in 1850. This has been effected with the difficulties enumerated as above. They are the imperfections that must necessarily attend recently established institutions of this kind, and your committee believe that this result will compare favorably with institutions that have been longer established, and would urge the success which has thus far attended our efforts in alleviating the condition of this unfortunate class of society, as a reason for the early completion of the improvements recommended by the trustees in their report.

All of which is respectfully submitted.

THOS. KENDALL,  
Chairman Committee, Senate.  
D. MAHONEY,

M. SPENCER,  
House Committee.  
B. D. HERR, M. D.,  
RICH. IRWIN.

The following message was received from the Governor :



EXECUTIVE DEPARTMENT, }  
 Sacramento City, March 18, 1854. }

*To the Assembly of the State of California :*

I have this day approved the following Acts which originated in the Assembly, viz :

An Act to organize the county of Plumas, out of a portion of the territory of the county of Butte.

An Act to abolish the Board of Supervisors for the county of Marin.

An Act to extend an Act for the protection of Game to the county of Colusa.

Also, a joint resolution in favor of additional mail facilities for California and Oregon.

JOHN BIGLER.

EXECUTIVE DEPARTMENT, }  
 Sacramento City, March 20, 1854. }

*To the Assembly of California :*

In compliance with a resolution which passed the Assembly on the 17th instant, requesting "the Governor to inform the Assembly whether the vouchers and papers necessary to a correct understanding of the claims of the State upon the General Government, in relation to expenses incurred in suppression of Indian hostilities, have been forwarded to our Senators and Representatives in Congress ;" I have the honor to state, that under the provisions of an Act authorising the State Treasurer to issue War Bonds, &c., approved May 3d, 1852, a Board of Examiners, consisting of the Treasurer and Comptroller, to which the Secretary of State has since been added, was appointed to examine the accounts and vouchers for expenses incurred in the several Indian expeditions. This Board, up to the 20th of December, 1853, had examined and allowed claims to the amount of \$924,259 65, for which War Bonds of the State of California, bearing an interest of seven per cent. per annum, have been issued. By a joint resolution, approved March 1st, 1853, the Board of Examiners are directed to make out and present to the Legislature a statement of said accounts, together with all the correspondence and circumstances relating to the origin, prosecution and conclusion of the Indian wars in this State, prosecuted by authority of the same, and generally such information as may be proper to be submitted to the Congress of the United States in order that the debt thus assumed by this State, and the bonds issued thereupon, may be provided for by the General Government, &c.

Up to the present time the report required by the Legislature has not been made by the Board of Examiners, for the reasons stated in their communication herewith transmitted.

But appreciating the vast importance and necessity of having these claims, and the evidences of their correctness and justice, presented at as early a day as possible to Congress, I caused the petitions, affidavits, communications, and other evidences in their support, to be carefully prepared and forwarded to Washington. The entire correspondence and papers connected with the Mariposa, First and Second El Dorado, Utah, Los Angeles, Clear Lake, Klamath, Trinity, Monterey and Siskiyou Expeditions against hostile Indians, have been collected and arranged so as to form a complete and minute chronological history, in which all the facts, incidents and correspondence of each are separately and distinctly set forth. These papers, collected during the past year at considerable expense and labor, consisting of one hundred and forty-three written communications, and over twenty printed documents.

Many of which had to be copied and arranged, have been entrusted to the care of Hon. Winslow S. Pierce, late Comptroller of State, who, as a member of the Board of Examiners, had acquired a thorough knowledge of all the facts of the case, and was, therefore, eminently qualified to explain, satisfactorily, the whole subject, not only to our delegation at Washington, but to the committee appointed on the part of Congress to investigate these claims. Dr. Pierce is now in Washington City with all the papers necessary to a correct understanding of the war claims of the State, except the vouchers. It is believed that his intimate knowledge of the subject will enable him to make every explanation required, and thus render efficient aid to our delegation in securing the favorable action of Congress during the present session.

In conclusion, I would add that all the expenses necessarily incurred in collecting, copying, arranging and forwarding these papers to Washington City have been paid out of the Governor's Contingent Fund, no appropriation having been made by the last Legislature.

JOHN BIGLER.

Communication from the Board of Examiners of Indian War Claims was read, and,

On motion, referred, with the Governor's message, to the Committee on Indian Affairs.

The following message was received from the Senate :

I am instructed to inform the Assembly that the Senate passed, yesterday, a bill for an Act to authorise the Court of Sessions of the county of Placer to reimburse Wm. D. Smith and Isaac A. Avery for money by them expended in constructing a wagon road across the Sierra Nevada mountains.

Respectfully submitted.

JOHN Y. LIND,  
Secretary.

Senate bill above reported, read a first and second time, and referred to delegation from Placer county.

The following message was also received from the Senate :

I am instructed to inform the Assembly that the Senate passed, on Saturday, Assembly bill for an Act to legalize assessments in the county of San Diego, with amendments as therein shown.

Also, an Act to provide for building and furnishing a jail in Sacramento county.

Also, an Act concerning County Judges.

And an Act to change the name of William Meyer to William Meyer Elton.

All of which are herewith respectfully presented.

JOHN Y. LIND,  
Secretary.

House concurred in the Senate amendment to Assembly bill No. 146.

Senate bill No. 63, an Act to provide for building and furnishing a jail in Sacramento county.

Read a first time and ordered to a second reading on to-morrow.

Senate bill No. 92, for an Act concerning County Judges.

Read a first time and ordered to a second reading on to-morrow.

Senate bill No. 87, an Act to change the name of William Meyer to William Meyer Elton.

Read a first time, and ordered to a second reading on to-morrow.

Mr. Carr gave notice that he would, on to-morrow, introduce a bill for an Act explanatory of an Act entitled an Act to incorporate the city of Los Angeles, approved April 4, 1850.

Mr. Sweeney introduced a Joint Resolution concerning the donation of lands in California for the construction of Railroads in this State.

Read a first time, and 240 copies ordered to be printed.

Mr. Ewer introduced a bill for an Act to extend the time for the final settlement of the collector of Butte county.

Read a first time, and ordered to a second reading on to-morrow.

Mr. Fairfield introduced a bill for an Act for the protection of persons owning timber, logs and lumber floating upon waters, or carried upon adjoining lands.

Read a first and second time, and referred to Committee on Mines and Mining Interests.

Mr. Warmcastle gave notice that, at an early day, he would introduce a bill to fund the debt of Contra Costa county.

Also, a bill for the relief of A. R. Maloney, E. T. Wild, and James M. Norton.

Mr. Stevenson introduced a Joint Resolution in relation to the removal of the office of Register of the United States Land Office to the seat of Government.

Read a first time, and ordered to a second reading on to-morrow.

Mr. Springer introduced a bill for an Act to provide for the appointment of Deputy County Treasurers.

Read a first time, and ordered to a second reading on to-morrow.

Mr. Godard introduced a bill for an Act to amend an Act entitled an Act concerning the salaries of officers and members of the Legislature, passed May 11, 1852.

Read a first time, and ordered to a second reading on to-morrow.

Mr. Griffith introduced a bill for an Act to provide for the organization of the Court of Sessions in and for the county of Yolo.

Read a first and second time, and referred to Judiciary Committee.

Mr. Letcher introduced a bill for an Act to provide for the election of a Justice of the Peace for the town of Santa Clara, and define his jurisdiction.

Read a first and second time, and referred to delegation from Santa Clara county.

Mr. Clingan introduced a bill for an Act amendatory of an Act dividing the State into counties and establishing the seats of Justice therein, passed April, 25, 1851.

Read a first and second time, and referred to delegation from San Francisco and Marin counties.

Mr. Whipple introduced a bill for an Act entitled an Act to amend an Act entitled an Act to fix the times for holding the terms of the District Court throughout this State, passed May 18, 1853.

Read a first and second time, amended, considered as engrossed, read a third time and passed.

Mr. Fairfax introduced a bill for an Act to divide the Tenth Judicial District, and to create a new judicial district and to fix the terms thereof.

Read a first and second time.

Mr. Fairfax moved to refer the bill to one delegate from Yuba, Sierra, Sutter and Nevada.

Mr. Conness moved to refer the bill to the Judiciary Committee.

Agreed to.

Mr. Fairfax gave notice that at an early day, he would introduce a bill for the better suppression of the Crime of Duelling.

Mr. Daniels gave notice that he would, at an early day, introduce a bill for the protection of owners of buildings and other fixtures to the soil in the mining districts of this State.

Mr. Whipple, from Committee on Conference, reported that the committee had agreed to concur in the amendment made by the Senate, to Assembly bill in reference to the sale of fire-arms to the Indians in this State.

Report of the committee concurred in by the Assembly.

Mr. Conness presented a petition from sundry citizens of El Dorado county, praying for the passage of a law embracing the provisions of the Maine Liquor Law.

Petition read and referred to Special Committee, of which Mr. Letcher is chairman.

Mr. Springer moved to reconsider the vote of yesterday, which passed Assembly bill in reference to Fugitives from labor, and slaves brought into this State prior to her admission into the Union.

Mr. Griffith moved to indefinitely postpone the motion to reconsider :

On which motion,

Messrs. Springer, Dannels and Anderson demanded the yeas and nays.

Mr. Kellogg demanded a call of the House, and,

Messrs. Conness, Green and Springer demanded the yeas and nays.

#### YEAS.

Messrs. Anderson, Ballou, Conness, Dannels, Dawley, Fairfield, Godard, Green, Hastings, Hollister, Horr, Hoyt, Hubbard, Hunt, Irwin, James, Kellogg, Koll, Letcher, Lindsey, Mandeville, McDonald, McGee, McKinney, O'Neil, Pratt, Ring, Rowan, Springer, Stemmons, Stevenson, Stowe, Sweasey, Sweetland, Tallmadge, Tivy, Watkins, Whipple, Whitman and Mr. Speaker—41.

#### NAYS.

Messrs. Bennett, Bowie, Carr, Clingan, Cornwall, Hagans, Henry, Houghtaling, Hubert, Hunter, Nichols, Purdy, Spencer, and Warmcastle—14.

So the House sustained the call.

The roll was called and the following members were absent :

Messrs. Aylett, Bagley, Briggs, Burton, Davidson, Herbert, Myres, McBrayer, McDuffie and Van Cleft.

Mr. Ballou moved to dispense with further proceedings under the call.

Not agreed to.

On motion, Mr. Van Cleft was admitted within the bar and excused.

Mr. Conness moved to dispense with further proceedings under the call.

Not agreed to.

Mr. Fairfax moved to dispense with further proceeding under the call.

Not agreed to.

Mr. Purdy moved to dispense with further proceedings under the call.

Not agreed to.

On motion, Mr. Aylett was admitted within the bar and excused.

Mr. Fairfax moved to dispense with further proceedings under the call.

Agreed to.

The vote was then taken on the motion of Mr. Griffith to indefinitely postpone the motion to re-consider.



## YEAS.

Messrs. Aylett, Bennett, Bostwick, Bowie, Carr, Carrillo, Clingan, Cornwall, Dannels, Dawley, Griffith, Hagans, Hastings, Henry, Horr, Houghtaling, Hubert, Hunter, Jones, Lindsey, Mandeville, McGee, McKinny, Nichols, Noel, O'Neil, J. W. Park, Rowan, Stemmons, Stowe, Sweetland, Tivy, Watkins, Whitman and Mr. Speaker—35.

## NAYS.

Messrs. Anderson, Ballou, Conness, Ewer, Fairfield, Godard, Green, Hollister, Hoyt, Hubbard, Hunt, Irwin, Kellogg, Koll, Letcher, McDonald, Pratt, Purdy, Ring, Spencer, Springer, Stevenson, Sweasey, Tallmadge, Warmcastle and Whipple—26.

So the motion to re-consider was indefinitely postponed.

Mr. Sweetland introduced a bill, an Act amendatory of the twentieth section of an Act dividing the State into counties and establishing the seats of justice therein, passed April 25, 1852.

Read a first and second time, and referred to Committee on Counties and County Boundaries.

Mr. Bowie introduced a bill for an Act to amend an Act dividing the State into counties and establishing the seats of justice therein, passed April 25, 1852.

Read a first time, and ordered to a second reading on to-morrow.

Mr. Stevenson moved to take from the table Senate Concurrent Resolution to adjourn *sine die*.

Not agreed to.

The following message was received from the Senate :

I am instructed to inform the Assembly, that the Senate have this day passed Assembly bill for an Act to authorize the Clerk of the Supreme Court of this State to appoint deputies.

JOHN Y. LIND,  
Secretary.

Mr. Cornwall introduced a bill for an Act to provide for the erection of Public Buildings in the county of Napa.

Read a first time, and ordered to a second reading on to-morrow.

Mr. Fairfield moved to adjourn.

Not agreed to.

Mr. Sweetland presented a petition from sundry citizens of Nevada county, in reference to a change of the county lines of that county.

Petition referred to Committee on Counties and County Boundaries.

Mr. Hubbard offered the following :

*Resolved*, By the Assembly, that the Committee on Indian Affairs, to whom was referred Joint Resolutions in relation to the removal of Indians without the limits of this State, be and are hereby instructed to report the same back to the House within the present week.

While this resolution was under consideration,

On motion, the House adjourned until 11 o'clock to-morrow.

## HOUSE OF ASSEMBLY.

TUESDAY, March 21, 1854.

House met pursuant to adjournment.

The roll was called, and the following members were absent :

Messrs. Davidson, Herbert, Hoff, Horr, McBrayer, McDuffie, J. W. Park, Purdy and Rowan.

The Journal of Monday was read, amended and approved.

On motion, leave of absence was granted to Mr. Davidson, until 24th instant, and to Mr. McDuffie for three days.

Mr. Griffith presented two petitions from citizens of Yolo county, protesting against the abolishment of the Court of Sessions of said county.

Petition read, and referred to delegation from Yolo county.

Mr. Griffith presented a further petition from citizens of Yolo County, protesting against the election of United States Senator by this session, and instructing their representatives to vote against said election.

Petition read, and referred to delegation from Yolo county.

Mr. McBrayer presented a petition from sundry citizens of Sacramento county praying for the passage of a law requiring the owners of swine to keep them from running at large.

Petition read, and referred to Committee on Agriculture.

Mr. Watkins, chairman, made the following report :

The Committee on Corporations, to whom was referred bill No. 73, have had the same under consideration, and directed me to report it back with a substitute, and recommend its passage.

Substitute for Assembly bill No. 73, an Act to incorporate the town of Alameda was adopted, considered as engrossed, read a third time, and passed.

Mr. Fairfield made the following report :

The Committee on Claims, to whom was referred Senate bill No. 82, an Act to provide for the payment of the official reporters to the Senate, ask leave to report the same back to the House without recommendation, and wish to be discharged from the further consideration of the subject.

On motion of Mr. Mandeville, the House resolved itself into Committee of the Whole, Mr. Mandeville in the chair, to consider the bill.

After spending some time in its consideration,

On motion, the committee rose, reported the bill back without amendment, recommending the passage of the same, and asked to be discharged from its further consideration.

The committee was discharged.

The bill was read a third time and passed.

Mr. McDaniel, chairman, made the following report :

The Committee on Indian Affairs, to whom was referred Assembly Joint Resolutions No. 70, in regard to the removal of Indians without the limits of this State ; have had the same under consideration, and would respectfully beg leave to report the same back to the House without amendment, and recommend their passage.

Assembly Joint Resolution No. 70, above reported, read a third time.

Mr. Conness moved to reconsider the vote, by which the resolutions were read a third time.

Mr. Conness moved to commit the resolution to a select committee of five.

Agreed to.

And Messrs. Tivy, Conness, Hunt, Ewer and James were appointed said committee.

Mr. Hunt, chairman, made the following report :

The Committee on Military Affairs, to whom was referred the report of the Quartermaster and Adjutant General, for the year ending Dec. 15, 1853, have had the same under consideration, and beg leave to submit the following report—

During the year of 1853, as by the report of the Assessors of the several counties, we find the State of California entitled to receive from the General Government about \$15,000 worth of arms and accoutrements, with a cost to the State of about \$3,000, and in connection would here say, that during the past year (1853) there has been organized, armed, and equipped twelve volunteer or independent companies, numbering an aggregate of 720 men. The arms with which these companies have been furnished, are those received from the General Government for the year 1852, and there now remains but a few arms at the State Arsenal. Aside from these independent or volunteer companies, there has been, comparatively, nothing done, by which the military force of the State could be ascertained.

Your committee consider the present militia law meagre in its provisions, and not what it should be, to guaranty to the State those privileges, which her population entitle her to, at the hands of the General Government, and in proof of this assertion, would say, that scarcely one half of the County Assessors gave any list at all of the persons of their county liable to do military duty ; and many of those sent in were so imperfect, that the officer to whom they were sent was compelled to examine them and correct their errors.

To remedy this, and many other similar errors, alike objectionable in their operation, of the present militia laws, your committee herewith transmit a bill, which they have caused to be framed, and which, after a thorough investigation, they believe will meet the hearty concurrence of this body, and further the objects desired to be obtained by a military organization.

Your committee find by reference to the United States law, passed March 2, 1803, that each State is *compelled*, through their Adjutant General, to report to the President of the United States, annually, of the condition of the militia of his State, their number, the number of arms, accoutrements, and ammunition, and to state what the condition of the whole military force of his State is in at the time his report is dated. Now, in order to comply with the provisions of this Act, and in order to receive from the General Government our proper quota of arms, your committee would suggest that the office of Quartermaster General be continued, believing, as we do, that the State will be benefited in a great degree thereby.

J. HUNT, Chairman.  
GEO. McDONALD,  
H. B. KELLOGG.

Mr. Hunt introduced a bill for an Act concerning the organization of the militia. Read a first time, and ordered to a second reading on to-morrow.  
Mr. Dannels moved to print 240 copies of the bill.  
Not agreed to.

Mr. O'Neil, chairman, made the following report :

The Committee on Engrossment have examined and find correctly engrossed, an Act amendatory to an Act to amend an Act respecting Fugitives from Labor and Slaves brought to this State prior to her admission into the Union, approved April 15, 1852.

Also, an Act to amend an Act entitled an Act to fix the times for holding the terms of the District Court throughout this State, passed May 18, 1853.

Mr. Tivy, chairman, made the following report :

The Joint Committee on Enrollment did, on yesterday the 20th instant, present to his Excellency, the Governor, for his approval, the following Acts, viz :

An Act making appropriations for the civil expenses of the Government of the State for the unexpired portion of the fiscal year, ending on the 30th day of June, 1854, and for the first seven months of the fiscal year, commencing on the 1st day of July, 1854.

An Act to to abolish the Board of Supervisors in the county of Contra Costa ; and an Act to amend an Act concerning the Courts of Justice and Judicial Officers, approved May 19, 1853.

SACRAMENTO, March 21, 1854.

Mr. James made the following report :

The Committee on Mileage, in accordance with the direction of the Assembly, beg leave to submit the following report :

Anderson, Sierra,  
\$96 Ashley, Monterey,  
Aylett, Siskiyou,  
96 Bagley, San Francisco,  
Ballou, El Dorado,  
96 Bennett, Sonoma,  
Bostwick, Nevada,  
Bowie, Colusi,  
40 Bradford, San Joaquin,  
Briggs, El Dorado,  
Burton, Nevada,  
96 Carr, Los Angeles,  
96 Carrillo, Santa Barbara,  
96 Clingan, Marin,  
Conness, El Dorado,  
96 Cornwall, Napa,  
Dannels, Yuba,  
Davidson, Sacramento,  
Dawley, Nevada,  
Ewer, Butte,  
Fairfax, Yuba,



- Fairfield, Placer,  
 \$96 French, San Luis Obispo,  
 96 Gilbert, San Francisco,  
 40 Godard, Tuolumne,  
 Gordon, Calaveras,  
 96 Green, San Francisco,  
 Griffith, Yolo,  
 96 Hagans, Sonoma,  
 Hastings, Sutter,  
 40 Henry, Mariposa,  
 40 Herbert, do,  
 40 Hoff, Tuolumne,  
 Hollister, El Dorado,  
 40 Horr, Tuolumne,  
 Houghtaling, Calaveras,  
 40 Hoyt, Tuolumne,  
 96 Hubbard, San Francisco,  
 96 Hubert, do,  
 96 Hunt, San Bernardino,  
 96 Hunter, Los Angeles,  
 Irwin, Butte,  
 James, Sierra,  
 Jones, Yuba,  
 Kellogg, Yuba,  
 06 Koll, San Francisco,  
 96 Letcher, Santa Clara,  
 Lindsey, Nevada,  
 40 Mandeville, Tuolumne,  
 Musser, Trinity,  
 Myres, Placer,  
 McBrayer, Sacramento,  
 McDonald, El Dorado,  
 McDuffie, Yuba,  
 McGee, Butte,  
 96 McKinney, Santa Clara,  
 McDaniel, Calaveras,  
 96 Nichols, San Francisco,  
 96 Noel, San Diego,  
 O'Neil, Placer,  
 F. A. Park, Sacramento,  
 J. W. Park, do.  
 Pratt, Calaveras,  
 96 Purdy, San Francisco,  
 Ring, Shasta,  
 Rowan, Calaveras,  
 96 Spencer, Humboldt,  
 Springer, El Dorado,  
 40 Stemmons, San Joaquin,  
 Stevenson, El Dorado,  
 96 Stowe, Santa Cruz,  
 96 Sweasey, San Francisco,  
 Sweetland, Nevada,  
 Tallmadge, El Dorado,  
 40 Tivy, Tulare,  
 Van Cleft, Placer,

\$96 Warmcastle, Contra Costa,  
 96 Watkins, Alameda,  
 96 Whipple, Klamath,  
 96 Whitman, Solano.

JOHN C. JAMES,  
 Chairman.

E. HUNTER,  
 A. J. HOUGHTALING,  
 J. H. BOSTWICK,  
 S. EWER.

Mr. Kellogg moved to indefinitely postpone the report of the committee.

Not agreed to.

Mer. Hoff moved to amend the bill by striking out 40 dollars in the bill for the delegation of Tuolumne, San Joaquin, Mariposa and Tulare, and insert 48,

Not agreed to.

Mr. Van Cleft moved to insert 48 dollars to all members who had been left out of the report.

Not agreed to.

Mr. Jones moved to lay on the table.

Not agreed to.

The question was then taken and the report of the committee was adopted.

Mr. Cornwall made the following report :

The Select Committee, to whom was referred Assembly bill, No. 35, entitled an Act to create a Board of Supervisors in and for the several counties of this State, and to define their duties and powers, beg leave to report that they have had the same under consideration, and report the same back with a substitute, and recommend its passage.

The substitute was adopted, considered as engrossed, read a third time and passed.

Mr. Dawley, chairman, made the following report :

The Committee on Commerce have had under consideration, Assembly bills, Nos. 130 and 131, and beg leave to submit the following report :

In the act to change the head of navigation of Tuolumne river, amend by striking out the first three words, and insert in the proper place the enacting clause, and recommend the passage of the bill.

As to the act authorizing persons to erect dams across the Tuolumne river, the committee cannot see the necessity for an especial law in relation to said river, and beg leave to submit the following substitute, and recommend its adoption.

Assembly bill, No. 131, an Act for changing the head of navigation of Tuolumne river.

The amendment of the committee was adopted, the bill considered as engrossed, read a third time and passed.

Assembly bill, No. 130, an Act authorizing persons to erect dams across the Tuolumne river.

The committee reported a substitute for the above bill, which was adopted.

The substitute considered as engrossed, read a third time and passed.

The following message was received from the Governor :

I have this day approved an Act which originated in the Assembly, entitled an Act to amend an Act concerning the Courts of this State and Judicial Officers, approved May 19, 1853.

JOHN BIGLER.

A communication was received and read from the Secretary of State, in reference to the State Maps, received by him from the late Surveyor of the State.

The following message was received from the Senate :

I am instructed to inform the Assembly, that the Senate passed, on yesterday, a bill for an Act to repeal an Act entitled an Act to authorize the Treasurer of State to make special deposits, passed May 4, 1852, which is respectfully presented.

JOHN Y. LIND,  
Secretary.

Senate bill. No. 93, above reported, read a first time, and ordered to a second reading on to-morrow.

Mr. Stevenson gave notice that he would, at an early day, introduce a bill providing that the poll-tax collected in this State be applied solely to the improvement of Roads and Highways in said counties.

Mr. Hoyt gave notice that, on to-morrow, he would introduce a bill for an Act amendatory to an Act entitled an Act concerning the official bonds of officers.

Also, for an Act to amend an Act entitled an Act for the protection of Game.

Mr. McBrayer gave notice that, on to-morrow, he would introduce a bill to amend the Charter of Sacramento City.

Mr. Sweetland moved to adjourn.

Not agreed to.

Assembly bill, No. 163, an Act to amend an Act concerning Notaries Public.

Read a second time, and referred to Judiciary Committee.

Assembly bill, No. 165, an Act to relinquish to the county of Colusi certain claims for the purpose of building a bridge in said county.

Read a second time, and referred to Committee on Ways and Means.

Mr. O'Neil moved to adjourn.

Not agreed to.

Assembly Joint Resolution, No. 166, in relation to the establishment of a free watering place in Humboldt Desert, considered as engrossed, read a third time and passed.

Senate bill, No. 65, an Act to amend an Act entitled an Act concerning the office of Comptroller, passed January 19, 1850.

Read a second time, and referred to Judiciary Committee.

Assembly Joint Resolution in relation to the removal of the office of Register of the U. S. Land Office to the seat of Government.

Read a second time, and referred to the Committee on Public Lands.

Assembly bill No. 173, an Act to provide for the appointment of Deputy County Treasurers.

Read a second time, and referred to Judiciary Committee.

Assembly bill No. 177, an Act to amend an Act entitled an Act concerning the salaries of officers and members of the Legislature, passed May 11, 1852.

Read a second time, and ordered to a third reading on to-morrow.

Senate bill No. 92, an Act concerning County Judges.

Read a second time, and referred to Judiciary Committee.

Assembly bill No. 179, an Act to amend an Act dividing the State into Counties, and establishing the Seats of Justice therein, passed April 25, 1851.

Read a second time, and referred to Committee on Counties and County Boundaries.

Assembly bill No. 180, to provide for the erection of Public Buildings in the county of Napa.

Read a second time, and ordered to a third reading on to-morrow.

Assembly bill No. 168, an Act to extend the time for the final settlement of the Collector of Butte county.

Read a second time, and ordered to a third reading on to-morrow.

Senate bill No. 63, an Act to provide for building and furnishing a Jail in Sacramento county.

Read a second time, and ordered to a third reading on to-morrow.

Senate bill No. 87, an Act to change the name of William Meyer to William Meyer Elton.

Read a second time, and referred to delegation from San Francisco and El Dorado.

Mr. Hagans introduced a bill for an Act to amend the 54th section of the tenth article of an Act entitled an Act to provide Revenue for the support of the Government of this State.

Read a first time, and ordered to a second reading on to-morrow.

Mr. McKinney introduced a bill to repeal an Act to fix the compensation of County Judges and Associate Justices of the Court of Sessions, passed April 22, 1850, approved May 17, 1853.

Read a first time and ordered to a second reading on to-morrow.

Mr. Carr introduced a bill for an Act explanatory of an Act to incorporate the city of Los Angeles.

Read a first time, and ordered to a second reading on to-morrow.

Mr. Whitman introduced a bill for an Act to fund the debt of the county of Solano, and to provide for the payment thereof.

Read a first time, and ordered to a second reading on to-morrow.

Mr. Dannels introduced a bill for an Act to amend an Act entitled an Act to provide for the incorporation of Railroad Companies, passed April 22, 1853.

Read a second time, and referred to Committee on Corporations.

Mr. Warmcastle introduced a bill for an Act for the relief of certain persons therein named.

Read a first time, and ordered to a second reading on to-morrow.

Mr. Letcher made the following report :

The Santa Clara delegation, to whom was referred a bill to provide for the election of a Justice of the Peace for the town of Santa Clara, beg leave to report the same back to the House without amendment, and recommend its passage.

Assembly bill No. 169, above reported, considered as engrossed, read a third time and passed.

On motion of Mr. Fairfield, the House adjourned until 11 o'clock to-morrow.



## HOUSE OF ASSEMBLY.

WEDNESDAY, March 22, 1854.

House met pursuant to adjournment.

The roll was called, and the following members were absent :

Messrs. Bennett, Gilbert, Hastings, Hubert, James, Purdy and Rowan.

The Journal of Tuesday was read and approved.

Mr. Hastings, on motion, had leave of absence granted for one day, and leave to Mr. Bennett for one day.

Mr. Conness asked to be excused from serving on the special committee appointed on yesterday in reference to removal of the Indians without the limits of this State.

He was excused, and Mr. Carrillo was appointed in his place.

Mr. McDonald presented sundry petitions from citizens of El Dorado county, praying for the passage of a law for the removal of the County Seat of said county to Mud Springs.

Petitions read, and referred to delegation from El Dorado county.

Mr. Stevenson presented two petitions numerously signed from citizens of El Dorado county, protesting against the removal of the County Seat, and asking that the subject be left to a vote of the people of the county.

Petitions read and referred to delegation from El Dorado county.

Mr. Watkins, chairman, made the following report :

The Committee on Corporations have had under consideration the resolution directing said committee to inquire into the expediency of amending the Act to provide for the Incorporation of Railroad Companies, and report by bill or otherwise, have had the same under consideration, and have instructed me to report in part by a bill to amend said Act, and recommend its passage.

The committee introduced a bill for an Act amendatory of an Act entitled an Act to provide for the incorporation of railroad companies, approved April 22d, 1853.

Read a first and second time, and

On motion of Mr. Springer, 240 copies ordered to be printed, and referred to Committee on Corporations.

Mr. Green, chairman, made the following report :

The Committee on Public Buildings and Grounds, to whom was referred Assembly bill No. 110, to take the sense of the people of this State upon the subject of the permanent location of the Seat of Government, have had the same under consideration, and report it back recommending its passage.

Mr. McBrayer moved to lay the bill on the table, and Messrs. Jones, Kellogg and Bagley demanded the yeas and nays.

YEAS.

MESSRS. Ashley, Bagley, Ballou, Bostwick, Briggs, Burton, Conness, Dawley, Ewer, French, Godard, Griffith, Hoff, Houghtaling, Hubbard, Hunt, Letcher, Lindsey, Myres, McBrayer, McDonald, Nichols, F. A. Park, J. W. Park, Pratt, Ring, Rowan, Springer, Stevenson, Stowe, Sweasey, Sweetland, Tallmadge and Van Cleft—34.

NAYS.

MESSRS. Anderson, Bowie, Bradford, Carr, Carrillo, Clingan, Cornwall, Dannels, Fairfield, Green, Hagans, Henry, Hubert, Jones, Kellogg, Mandeville, McDuffie, McDaniel, McGee, McKinney, Noel, Spencer, Stemmons, Tivy, Warmcastle, Watkins, Whipple, Whitman and Mr. Speaker—29.

Mr. Van Cleft, chairman, made the following report :

The Placer delegation, to whom was referred Senate bill No. 91, for an Act to authorise the Court of Sessions of the county of Placer to reimburse W. D. Smith and Isaac A. Avery for money by them expended in constructing a wagon road across the Sierra Nevada mountains, have had the same under consideration, and recommend its passage with the following amendment: strike out all after the word "money," in the the third line of second section, and insert—"should they deem it expedient; nor shall they audit such sum or sums of money until a majority of the tax payers of said county shall have petitioned them to audit and pay the same."

Senate bill No. 91, above reported, amendment adopted, the bill read a third time and passed.

Mr. Hubert, chairman made the following report :

The San Francisco and El Dorado delegation, to whom was referred Senate bill No. 87, to change the name of William Meyer to William Meyer Elton, and Assembly bill No. 135, to change the name of George Alexander Smith to George Smith Townsend, report said bills back and recommend their passage.

Mr. Sweasey objected to the report of the committee.

Senate bill No. 87, above reported on its third reading.

Mr. Ashley moved to recommit to the El Dorado and San Francisco delegation, with instructions to report a general bill.

Not agreed to.

Bill read a third time and passed.

Assembly bill No. 135, above reported, on its third reading.

Mr. Ashley moved to recommit the bill to the delegation from El Dorado and San Francisco, with instructions to report a general bill upon the subject.

Not agreed to.

Mr. Conness moved to refer the bill to the Judiciary Committee with instructions.

Not agreed to.

The bill was then considered as engrossed, read a third time and passed.

Mr. Conness gave notice that he would, on to-morrow, move to add an additional rule of the House.

On motion of Mr. Mandeville, a communication heretofore presented by the Secretary of State, was read, and

On motion, referred to Committee on Education.

Assembly joint resolutions No. 123, in relation to lands donated by the United States to this State, on its third reading.

The amendment heretofore offered by Mr. Griffith under consideration.

Mr. O'Neil moved a call of the House.

The call was sustained.

The roll was then called and the following members were absent:

Messrs. Bagley, Carrillo, Dawley, Henry, Herbert, Hunter, Irwin, Lindsey, McBrayer, Pratt, Purdy, Rowan, Tallmadge, Tivy, Whipple and Mr. Speaker.

The door was ordered to be closed, and the Sergeant-at-Arms dispatched for absent members.

Mr. Letcher moved to dispense with further proceedings under the call.

Not agreed to.

On motion, Messrs. Fairfax, Dawley, Lindsey, French, Henry, McBrayer and Carrillo were admitted within the bar of the House and excused.

Mr. Green moved to dispense with further proceedings under the call of the House.

Not agreed to.

On motion, Mr. Tallmadge was admitted within the bar of the House.

Motion made to excuse Mr. Tallmadge.

Not agreed to.

Mr. McBrayer moved to reconsider the vote which refused to excuse Mr. Tallmadge.

Not agreed to.

Mr. Bradford moved to dispense with further proceedings under the call.

Agreed to.

Mr. Griffith withdrew his former amendment, and offered the following in lieu thereof:

Insert in the 11th line, 3d page, at the end of the line, "by confirming to each individual who may have located or selected land under the provisions of the said State law. The amount of land, by him or her so located, in no case, however, to exceed six hundred and forty acres to each individual: *Provided*, that said location does not conflict with any pre-emption previously made under the Acts of Congress of the United States: *And provided, also*, that no person by purchase from the State Comptroller, or any other person or persons, of a School Warrant or Warrants, or lands located under such School Warrant or Warrants, shall receive a patent for more than six hundred and forty acres of land: *And provided, further*, that all such location and selection to entitle the claimant, under the same, to receive a patent, shall, in all cases, conform to the provisions of the Act of Legislature of this State, entitled an Act to provide for the disposal of the five hundred thousand acres of land granted to the State by Act of Congress, passed May 3, 1852.

Mr. Jones moved to strike out 640 acres and insert 320.

Not agreed to.

On the adoption of the amendment offered by Mr. Griffith,

Messrs. Hubbard, Bennett and Bradford demanded the yeas and nays.

YEAS.

Messrs. Ashley, Ballou, Bostwick, Bowie, Bradford, Burton, Carrillo, Cornwall, Dawley, Ewer, Fairfield, French, Green, Griffith, Henry, Hollister, Houghtaling, Hoyt, Hubbard, Hubert, Hunt, Hunter, James, Jones, Kellogg, Koll, Letcher, Lindsey, Mandeville, Myres, McBrayer, McDonald, McDuffie, McGee, McKinney, O'Neil, Pratt, Ring, Spencer, Stemmons, Stevenson, Stowe, Sweetland, Tivy, and Van Cleft—45.

## NAYS.

Messrs. Anderson, Bennett, Carr, Clingan, Dannels, Davidson, Gilbert, Hagans, Herbert, McDaniel, Nichols, Noel, J. W. Park, Sweasey, Warmcastle, Watkins, Whitman and Mr. Speaker—18.

So the amendment was adopted.

After the roll had been called, before the result was announced by the Speaker, On motion, Messrs. Herbert, French and Hoyt were allowed to vote, who were not present at roll call.

Mr. Bennett, offered the following amendment :

Strike out all from the 39th to the 48th line, inclusive ; and also strike out the 9th line to the 11th, inclusive.

Not agreed to.

Mr. Kellogg moved to adjourn.

Not agreed to.

Mr. Whitman objected to the third reading of the resolution.

The objection overruled by the House.

The resolution was then read a third time, and on its final passage,

Messrs. Mandeville, Hubbard and Letcher demanded the yeas and nays.

## YEAS.

Messrs. Ashley, Ballou, Bostwick, Bowie, Bradford, Burton, Carrillo, Conness, Cornwall, Dannels, Dawley, Ewer, Fairfield, French, Gilbert, Green, Griffith, Henry, Hollister, Houghtaling, Hoyt, Hubert, James, Jones, Kellogg, Letcher, Myres, McBrayer, McDonald, McDuffie, Nichols, O'Neil, Pratt, Ring, Spencer, Springer, Stemmons, Stowe, Sweetland, Tivy, and Mr. Speaker—41.

## NAYS.

Messrs. Anderson, Bennett, Carr, Clingan, Davidson, Hagans, Herbert, Hubbard, Hunt, Hunter, Koll, Lindsey, Mandeville, McDaniel, McGee, McKinney, Noel, J. W. Park, Stevenson, Sweasey, Tallmadge, Warmcastle, Watkins and Whitman—24.

So the bill passed.

Mr. Kellogg gave notice that he would move to re-consider the vote just taken on to-morrow.

On motion, the House adjourned until 11 o'clock to-morrow.



## HOUSE OF ASSEMBLY.

THURSDAY, March 23, 1854.

House met pursuant to adjournment.

The roll was called, and the following members were absent: Messrs. Bagley, Conness, Dannels, Gilbert, Herbert, Hoyt, Myres, Tallmadge, Van Cleft, and Whipple.

The Journal of Wednesday was read and approved.

On motion, leave of absence was granted to Mr. Dannels for one day.

Mr. Briggs presented a petition very numerously signed by citizens of El Dorado county, praying for the removal of the County Seat to Placerville.

Petition read, and referred to El Dorado delegation.

Mr. Sweasey presented two petitions from citizens of Alameda county praying for the passage of a law to protect settlers upon public lands.

Petition read.

Mr. French presented a petition from sundry citizens of San Luis Obispo, praying for the passage of a vagrant law.

Petition read and referred to Judiciary Committee.

Mr. O'Neil chairman, made the following report:

The Committee on Engrossments have examined and find correctly engrossed, an Act to incorporate the town of Alameda.

An Act to change the head of navigation of Tuolumne river.

An Act to amend an Act entitled an Act to create a Board of Supervisors for the counties of this State, and to define their duties and powers, passed May 3d, 1852.

An Act authorising persons to erect dams across streams not declared navigable.

An Act to provide for the election of a Justice of the Peace for the town of Santa Clara, and define his jurisdiction.

An Act to change the name of George Alexander Smith to George Smith Townsend.

And Assembly joint resolutions in relation to the establishment of a free watering place in Humboldt Desert.

The following message was received from the Senate:

I am instructed to inform the Assembly that the Senate passed, yesterday, a bill for an Act to amend an Act entitled an Act concerning the Courts of Justice in this State and Judicial officers, passed May 19th, 1853.

JOHN Y. LIND,  
Secretary.

Senate bill No. 47, above reported, read a first and second time and referred to Judiciary Committee.

Assembly bill No. 85, an Act for the protection of settlers on its third reading.

On motion of Mr. Conness, the House resolved itself into Committee of the Whole, Mr. Bostwick in the chair, to consider the bill; after spending some time in its consideration, and making amendments thereto,

On motion of Mr. Green, the committee rose, reported the bill back as amended, and recommend its passage, and ask to be discharged.

The committee was discharged.

On motion of Mr. Mandeville, the first three amendments made in Committee of the Whole were concurred in by the House, and

On motion, the fourth and last amendment, made in Committee of the Whole, was concurred in.

Mr. McKinney offered the following amendment :

Strike out all after "or not," in sixth line, and insert "said rents and profits as aforesaid shall commence at the time of actual notice, in writing, shall have been given to the person or persons in possession.

Mr. O'Neil moved to lay the bill on the table, and make it the special order for to-morrow at 12 o'clock.

Not agreed to.

The vote was then taken upon the amendment offered by Mr. McKinney, and

Not agreed to.

Mr. Letcher offered a substitute to the bill under consideration.

Mr. Ballou moved to postpone the bill under consideration, and make it and the substitute the special order for Monday next at 12 o'clock.

Not agreed to.

Upon the adoption of the substitute, Messrs. Lindsey, Bennett and Sweasey demanded the yeas and nays.

YEAS.

Messrs. Ashley, Burton, Cornwall, Hunt, Kellogg, Letcher, Lindsey, McKinney, Noel, Stowe, and Warmcastle—11.

NAYS.

Messrs. Anderson, Aylett, Bagley, Ballou, Bennett, Bostwick, Bowie, Bradford, Briggs, Clingan, Conness, Dannels, Davidson, Dawley, Ewer, Fairfield, French, Gilbert, Gordon, Green, Griffith, Hagans, Hastings, Henry, Herbert, Hollister, Houghtaling, Hubbard, Hunter, Irwin, Jones, Koll, Mandeville, Myres, McBrayer, McDonald, McDuffie, McDaniel, McGee, Nichols, F. A. Park, J. W. Park, Pratt, Purdy, Ring, Rowan, Stemmons, Stevenson, Sweasey, Sweetland, Tivy, Van Cleft, Watkins, and Mr. Speaker—54.

So the House refused to adopt the substitute.

The bill was then read a third time, and on its final passage

Messrs. Noel, Bennett and Warmcastle demanded the yeas and nays.

YEAS.

Messrs. Anderson, Aylett, Bagley, Ballou, Bennett, Bostwick, Bowie, Bradford, Briggs, Clingan, Conness, Davidson, Dawley, Ewer, Gilbert, Gordon, Gern, Griffith, Hagans, Hastings, Henry, Herbert, Hollister, Houghtaling, Hubbard, Irwin, Jones, Koll, Myres, McBrayer, McDonald, McDuffie, McGee, Nichols, F. A. Park, J. W. Park, Pratt, Purdy, Ring, Rowan, Springer, Stemmons, Stevenson, Sweasey, Tivy, Van Cleft, Watkins and Mr. Speaker—48.

## NAYS.

Messrs. Ashley, Burton, Cornwall, Dannels, Fairfield, French, Hoff, Hunt, Hunter, Kellogg, Letcher, Lindsey, Mandeville, McDaniel, McKinney, Noel, O'Neil, Stowe, Sweetland and Warmcastle—20.

So the bill passed.

The following message was received from the Senate :

I am instructed to inform the Assembly, that the Senate, this day, passed a bill for an Act explanatory of an Act entitled an Act making appropriations for the civil expenses of Government of the State for the unexpired portion of the fiscal year, ending on the 30th day of June, A. D., 1854, and for the first seven months of the fiscal year, commencing on the first day of July, 1854, approved March 21, 1854.

JOHN Y. LIND,  
Secretary.

Senate bill No. 95, above reported, read a first time, rule suspended, read a second time, rule further suspended, read a third time, and passed.

The following message was also received from the Senate :

I am instructed to inform the Assembly, that the Senate passed this day a bill for an Act amendatory to an Act incorporating the City of Marysville, and to Acts supplementary and amendatory thereto.

Which is respectfully submitted.

JOHN Y. LIND,  
Secretary.

Senate bill No. 96, above reported, read a first and second time, rule suspended, read a third time, and passed.

Mr. Bradford offered the following resolution :

*Resolved*, That the Committee on State Hospitals be instructed to report, at as early a day as practicable, a bill in accordance with the recommendations in their report, to abolish the State Marine Hospital, and appropriate the Hospital Fund in a *pro rata* proportion to each county for the maintenance of its Indigent Sick.

Mr. Fairfax moved to lay the resolution on the table.

Agreed to.

Mr. McBrayer introduced a bill for an Act to amend an Act entitled an Act to incorporate the city of Sacramento, passed March 26, 1851.

Read a first time, and ordered to a second reading on to-morrow.

On motion, the House adjourned until 11 o'clock to-morrow.

## HOUSE OF ASSEMBLY.

FRIDAY, March 24, 1854.

House met pursuant to adjournment.

The roll was called, and the following members were absent : Messrs. Bagley, Davidson, Gilbert, Godard, Griffith, Hastings, Hoyt, Hubert, James, Myres, J. W. Park, and Van Cleft.

The Journal of Thursday was read and approved.

Mr. Tivy, chairman, made the following report :

The Joint Committee on Enrollment have examined, and found correctly enrolled the following Acts, viz :

An Act to authorize the Clerk of the Supreme Court of this State to appoint deputies.

An Act to prevent the sale of fire-arms and ammunition to Indians in this State.

An Act to legalize assessments in the County of San Diego.

An Act to fix the Sessions of the Supreme Court at the capital of the State.

An Act to change the name of Charles Turner Kelly to Charles Turner Kelly Tracy ; and

An Act to amend an Act entitled an Act concerning Officers, passed April 28, 1851.

Mr. Clingan, chairman, made the following report :

The Select Committee, to whom was referred the bill entitled an Act amendatory of an Act dividing the State into Counties, and establishing Seats of Justice therein ; having had the same under consideration, report it back, and recommend its passage.

Assembly bill No. 174, an Act amendatory of an Act dividing the State into Counties, and establishing the Seats of Justice therein, passed April 25, 1851.

On its third reading considered as engrossed, read a third time and passed.

The following message was received from the Governor, with a communication from the Attorney General of the United States :

EXECUTIVE DEPARTMENT, }  
Sacramento City, March 24, 1854. }

*To the Senate and Assembly of California :*

On the 7th instant, I had the honor to transmit to the Legislature a communication from the Hon. J. R. McConnell, Attorney General, relative to the property in the city of San Francisco, and county of Sacramento, known as the "Leidesdorff



Estate," in which that officer expresses the unqualified opinion, that it has escheated to the State; an opinion concurred in by a large majority of our best informed and most intelligent citizens.

Some months since I ascertained, that in the year 1842, a case had been decided in the State of Michigan, involving, in part, the same questions and principles as those connected with the Leidesdorff estate. The property in the Michigan case was vested in an American citizen who died intestate, leaving *legitimate* but alien relatives. The question presented for decision was, whether on the death of an intestate, alien heirs could take by descent, and if not, whether the property escheated to the United States or the State of Michigan.

Hon. Hugh S. Legare, who was, at that time, Attorney General of the United States, after having given the subject that mature reflection and profound legal research, which its importance demanded—a task for which he was eminently qualified—gave the decided opinion, that the property had escheated to the State of Michigan; and the Government of the United States, desirous of holding these lands for a military station, paid to the State a large sum for the same, upon the opinion of the Attorney General, without further attempting to assert its claims in a court of law.

Believing that the decision in this case, must necessarily affect the Leidesdorff estate—the same questions and principles in part being involved—I wrote to the Hon. Caleb Cushing, Attorney General of the United States, and requested that the facts of the "Harvey case" be forwarded to me, accompanied with the opinion of Hon. H. S. Legare, Attorney General of the United States.

By the last mail I received an answer to that communication, and have the honor herewith to transmit a copy of the same.

Feeling confident, as I do of the validity of the claim of the State to the Leidesdorff property, and in view of the great and beneficent object to which the proceeds of all escheated estates are appropriated by the Constitution, although having several times, heretofore, called the attention of the Legislature to the subject, I feel it my duty, again, to urge upon the representatives of the people the importance of speedy action.

If the opinion, heretofore expressed, that this estate has escheated to California be correct, and it is her right, under the Constitution, to appropriate the same for the benefit of Common Schools, it is highly important that the Legislature should promptly take such steps as may be deemed necessary to enable the agents of the State to institute, and prosecute with vigor to a speedy termination, proceedings for the recovery of the same.

This is deemed necessary to maintain the rights of the State in the premises, and is no more than an act of justice to the claimants under the alien heirs. If the claim of the State be valid, she should at once take possession of so valuable an inheritance, if not, the cloud of title necessarily encumbering the rights of others, should be as speedily removed. Concurring with the Attorney General of the State, in the opinion that the title to this valuable property is most unquestionably in the State of California, I feel that I cannot too earnestly urge her representatives, the high duty they owe to the people and the children of the State, to adopt such measures as may be required to ensure a settlement of these conflicting claims at an early day.

In conclusion, I would especially direct your attention to the last suggestion contained in the communication of the Attorney General, transmitted on the 9th inst., recommending that the "law concerning escheats be so amended, as to permit proceedings to be instituted in any county in the State, in which a part of an escheated estate may be situated, and also, an amendment "having in view the protection of the State in her interest in the accruing rents of the property, which may be claimed as having escheated during litigation."

JOHN BIGLER.

The communication of the Governor, and the communication from the Attorney General were read, and referred to the Judiciary Committee, with instructions to report a bill in accordance with the recommendation of the Governor on Tuesday next.

On motion of Mr. Bostwick, the House took a recess for fifteen minutes, for the purpose of allowing the Sergeant-at-Arms time to prepare the Hall for the Joint Convention of the two Houses.

House re-assembled agreeably to adjournment.

On motion of Mr. Bradford, the clerk was directed to invite the Senate to meet in Joint Convention for the purpose of making elections heretofore agreed upon.

The Senate was announced by the Sergeant-at-Arms of that body.

The two Houses assembled in the hall of the House, to elect two Resident and two Visiting Physicians for the State Marine Hospital, at San Francisco, and five Trustees to said Hospital. One Resident, and one Assistant Physician for the Insane Asylum, and five Trustees for said Institution; and a Quartermaster General for this State.

Mr. Hall of the Senate offered the following, which was adopted:

*Resolved*, That when balloting for the election of Physicians and Trustees of the State Marine Hospital and Asylum for the Insane, the Convention will adopt the following form.

The vote shall be taken first for Physicians and Trustees for the Marine Hospital, and each member of the Convention shall, upon the call of his name, vote in one ballot, for Visiting and Resident Physicians, and for Trustees.

That the same course be pursued in the election of Physicians and Officers for the Insane Asylum.

The President appointed Mr. Moore, of the Senate, to act as one of the Tellers; and the Speaker appointed, on the part of the Assembly, Mr. Dannels.

Mr. Whiting then put in nomination Messrs S. B. Mills and W. D. Aylett, for Resident Physicians; and Messrs. John R. Coryell and Wake Briarly, for Visiting Physicians of the State Marine Hospital; and Messrs. Erastus Sparrow, Charles Gallaher, James A. McCrea, William McKibben and Thomas McCahill as Trustees for said Hospital.

Those who voted for S. B. Mills were—

Messrs. Bryan, Catlin, Coffroth, Colby, Crabb, Crenshaw, Grewell, De La Guerra, Hagar, Hall, Hook, Hudspeth, Keene, Kendall, Kurtz, Leake, Lent, Livermore, Mahoney, Moore, McFarland, Sawyer, Smith, Sprague, Stebbins, Tuttle, Wade, Walkup, Whiting and Gardener, of the Senate; and

Messrs. Anderson, Ashley, Bagley, Ballou, Bennett, Bostwick, Bradford, Burton, Carr, Carrillo, Clingan, Cornwall, Dannels, Dawley, Ewer, Fairfield, French, Gilbert, Godard, Gordon, Green, Griffith, Hastings, Herbert, Hoff, Horr, Hoyt, Hubbard, Hubert, Hunt, Hunter, Irwin, James, Jones, Kellogg, Koll, Lindsey, Mandeville, Myres, McDuffie, McDaniel, McGee, McKinney, Nichols, Noel, O'Neil, F. A. Park, J. W. Park, Pratt, Purdy, Rowan, Spencer, Springer, Stemmons, Stevenson, Sweasey, Sweetland, Tallmadge, Tivy, Van Clef, Warmcastle, Whipple and Mr. Speaker—93.

Having received all the votes given, he was declared duly elected a Resident Physician for the State Marine Hospital.

The two Houses next proceeded to the election of a second Resident Physician.

Those who voted for W. D. Aylett were—

Messrs. Byran, Catlin, Coffroth, Colby, Crabb, Crenshaw, Gardener, Grewell, De La Guerra, Hagar, Hall, Hook, Hudspeth, Keene, Kendall, Kurtz, Leake, Lent, Livermore, Mahoney, Moore, McFarland, Sawyer, Smith, Sprague, Stebbins, Tuttle, Wade, Walkup and Whiting, of the Senate; and

Messrs. Anderson, Ashley, Bagley, Ballou, Bennett, Bostwick, Bradford, Burton, Carr, Carrillo, Clingan, Cornwall, Dannels, Dawley, Ewer, Fairfield, French, Gilbert, Godard, Gordon, Green, Griffith, Hagans, Hastings, Henry, Herbert, Hoff, Horr, Hoyt, Hubbard, Hubert, Hunt, Hunter, Irwin, James, Jones, Kellogg, Koll, Lindsey, Mandeville, Myres, McDuffie, McDaniel, McGee, McKinney, Nichols, Noel, O'Neil, F. A. Park, J. W. Park, Pratt, Purdy, Rowan, Spencer, Springer, Stemmons, Stevenson, Sweasey, Sweetland, Tallmadge, Tivy, Van Cleft, Warmcastle, Whipple, Whitman and Mr. Speaker—96.

Having received all the votes given, he was declared duly elected Resident Physician to the State Marine Hospital.

The two Houses next proceeded to electing Visiting Physicians to the State Marine Hospital.

Those who voted for John R. Coryell were—

Messrs. Bryan, Catlin, Coffroth, Colby, Crabb, Crenshaw, Grewell, De La Guerra, Gardener, Hagar, Hall, Hook, Hudspeth, Keene, Kendall, Kurtz, Leake, Lent, Livermore, Mahoney, Moore, McFarland, Sawyer, Smith, Sprague, Stebbins, Tuttle, Wade, Walkup and Whiting, of the Senate; and

Messrs. Anderson, Ashley, Bagley, Ballou, Bennett, Bostwick, Bradford, Burton, Carr, Carrillo, Clingan, Cornwall, Dannels, Dawley, Ewer, Fairfield, French, Gilbert, Godard, Gordon, Green, Griffith, Hagans, Hastings, Herbert, Hoff, Horr, Hoyt, Hubbard, Hubert, Hunt, Hunter, Irwin, James, Jones, Kellogg, Koll, Lindsey, Mandeville, Myres, McDuffie, McDaniel, McGee, McKinney, Nichols, Noel, O'Neil, F. A. Park, J. W. Park, Pratt, Purdy, Rowan, Spencer, Springer, Stemmons, Stevenson, Sweasey, Sweetland, Tallmadge, Tivy, Van Cleft, Warmcastle, Whipple and Mr. Speaker—94.

Having received all the votes given, he was declared duly elected Visiting Physician to the State Marine Hospital.

They next proceeded to elect a second Visiting Physician to the State Marine Hospital.

Those who voted for Mr. Wake Bryarly were—

Messrs. Bryan, Catlin, Coffroth, Colby, Crabb, Crenshaw, Godard, Grewell, De La Guerra, Hagar, Hall, Hook, Hudspeth, Keene, Kendall, Kurtz, Leake, Lent, Livermore, Mahoney, Moore, McFarland, Sawyer, Smith, Sprague, Stebbins, Tuttle, Wade, Walkup and Whiting, of the Senate; and

Messrs. Anderson, Ashley, Bagley, Ballou, Bennett, Bostwick, Bradford, Burton, Carr, Carrillo, Clingan, Cornwall, Dannels, Dawley, Ewer, Fairfield, French, Gilbert, Godard, Gordon, Green, Griffith, Hastings, Herbert, Hoff, Horr, Hoyt, Hubbard, Hubert, Hunt, Hunter, Irwin, James, Jones, Kellogg, Koll, Lindsey, Mandeville, Myres, McDuffie, McDaniel, McGee, McKinney, Nichols, Noel, O'Neil,



F. A. Park, J. W. Park, Pratt, Purdy, Rowan, Spencer, Springer, Stemmons, Stevenson, Sweasey, Sweetland, Tallmadge, Tivy, Van Cleft, Warmcastle, Whipple and Mr. Speaker—93.

Having received all the votes but one given, he was declared duly elected a Visiting Physician for the State Marine Hospital.

The two Houses next proceeded to elect five Trustees to the State Marine Hospital.

Those who voted for Messrs. Erastus Sparrow, Charles Gallaher, James A. McCrea, William McKibben and Thomas McCahill were—

Messrs. Bryan, Catlin, Coffroth, Colby, Crabb, Crenshaw, Grewell, De La Guerra, Gardener, Hagar, Hall, Hook, Hudspeth, Keene, Kendall, Kurtz, Leake, Lent, Livermore, Mahoney, Moore, McFarland, Sawyer, Smith, Sprague, (Mr. Stebbins voted for Mr. Gallaher and Mr. McCahill,) Tuttle, Wade, Walkup and Whiting, of the Senate; and

Messrs. Anderson, Ashley, Bagley, Ballou, Bennett, Bostwick, Bradford, Carr, Carrillo, Clingan, Cornwall, Dannels, Dawley, Ewer, Fairfield, French, Gilbert, Godard, Gordon, Green, Griffith, Hastings, Herbert, Hoff, Horr, Hoyt, Hubbard, Hubert, Hunt, Hunter, Irwin, James, Jones, Kellogg, Koll, Lindsey, Mandeville, Myres, McDuffie, McDaniel, McGee, McKinney, Nichols, Noel, O'Neil, F. A. Park, J. W. Park, Purdy, Pratt, Rowan, Spencer, Springer, Stemmons, Stevenson, Sweasey, Sweetland, Tallmadge, Tivy, Van Cleft, Warmcastle and Mr. Speaker.

Mr. Sparrow received 90 votes; Mr. Gallaher received 91 votes; Mr. McCrea received 90 votes; Mr. McKibben received 90 votes; and Mr. McCahill received 91 votes. Each one having received a majority of all the votes given, they were declared duly elected Trustees to the State Marine Hospital.

Mr. Whiting moved that the Quartermaster General be elected at the same ballot in which the two Houses would elect Resident and Assistant Physicians to the Insane Asylum, and five Trustees therefor.

Motion agreed to.

And the two Houses next proceeded to the election of a Resident and Assistant Physician to the Insane Asylum, five Trustees, for the same; and a Quartermaster General.

Those who voted for Messrs. Robert R. Ried for the Resident, and W. D. Cowan, Assistant Physicians to the Insane Asylum; for Messrs. Enoch Gove, Andrew Lester, P. E. Jordan, S. A. Booker and Nelson Taylor for Trustees; and W. C. Kibbe, for Quartermaster General, were—

Messrs. Bryan, Catlin, Coffroth, Colby, Crabb, Crenshaw, De La Guerra, Hager, Hall, Hook, Keene, Kendall, Kurtz, Leake, Livermore, Moore, McFarland, Sawyer, Smith, Sprague, Tuttle, Wade, Walkup and Whiting of the Senate; and Messrs. Anderson, Ashley, Bagley, Ballou, Bennett, Bradford, (Mr. Burton voted for Mr. Ellis for Resident Physician, and Mr. Cowan for Assistant Physician, and W. C. Kibbe for Quartermaster General,) Carr, Carrillo, Clingan, Cornwall, Dannels, Dawley, Ewer, Fairfield, French, Gilbert, Godard, Gordon, Green, (Mr. Hagans voted for Mr. Reed for Resident Physician, and Mr. Henry voted for W. C. Kibbe for Quartermaster General,) Herbert, Horr, Hoyt, Hubbard, Hubert, Hunt, Hunter, Ir-



win, James, Jones, Kellogg, Koll. (Mr. Lindsey voted for W. C. Kibbe for Quartermaster General.) Mandeville Myres, McDuffie, McDaniel, McGee, Nichols, Noel, O'Neil, F. A. Park, J. W. Park, Purdy, Spencer, Springer, Stemmons, Stevenson, Sweasey, Sweetland, Tallmadge, Tivy, Van Cleft, Warmcastle. (Mr. Watkins voted for Mr. Reid and Mr. Cowan for Physicians, and for W. C. Kibbe for Quartermaster General,) Whipple and Mr. Speaker.

Mr. Reid received 80 votes for Resident, Mr. Cowan 80 votes for Assistant Physician to the Asylum; Mr. Gove, Mr. Lester, Mr. Jordan, Mr. Booker and Mr. Taylor, each received 78 votes for Trustees of the Insane Asylum; and W. C. Kibbe received 82 votes for Quartermaster General, each having received a majority of all the votes given, they were severally declared duly elected to the offices for which they were candidates.

R. B. Ellis received one vote for Resident Physician to the Insane Asylum.

The President stated that the Convention had completed the business for which they had assembled, and declared the Convention adjourned *sine die*.

The Senate then withdrew and the Assembly resumed business.

Mr. Tivy, chairman, made the following report :

The Joint Committee on Enrollment have examined, and found correctly enrolled, an Act explanatory of an Act entitled an Act making appropriations for the civil expenses of Government of the State, for the unexpired portion of the fiscal year, ending on the 30th day of June, A. D., 1854, and for the first seven months of the fiscal year, commencing on the 1st day of July, A. D., 1854, approved March 21, 1854.

On motion of Mr. O'Neil, the House adjourned until 11 o'clock to-morrow.

## HOUSE OF ASSEMBLY.

SATURDAY, March 25, 1854.

House met pursuant to adjournment.

The roll was called, and the following members were absent :

Messrs. Aylett, Bagley, Ballou, Burton, Davidson, French, Gilbert, Green, Griffith, Herbert, McBrayer, Nichols, J. W. Park and Stevenson.

The Journal of Friday was read, amended and approved.

Mr. Mandeville presented a petition from sundry citizens of Tuolumne county, praying for the passage of a law to protect Mimers' claims, and recommending a bill introduced by Mr. Mandeville.

Petition read, and referred to Committee on Mines and Mining Interest.

On motion, leave of absence was granted to Mr. Burton until Tuesday next; to Mr. McBrayer, indefinitely in consequence of ill health; also, indefinite leave to Mr. Davidson.

Mr. F. A. Park presented a petition from the Mayor and Council of the city of Sacramento, praying for the passage of a law to authorize the Council to issue bonds in payment of outstanding debts.

Petition read, and referred to delegation from Sacramento.

Mr. Jones, from the Judiciary Committee, made the following reports :

The undersigned, a majority of the Judiciary Committee, have had under consideration Assembly bill, No. 163, entitled an Act to amend an Act concerning Notaries Public, and recommend that it be indefinitely postponed.

JONES,  
ASHLEY,  
HOYT, and  
MYRES,  
Committee.

The undersigned, a minority of the Judiciary Committee, having duly considered Assembly bill No. 163, entitled an Act to amend an Act concerning Notaries Public, recommend that it do pass.

GORDON,  
WARMCASTLE.

Assembly bill No. 163, above reported, on motion to indefinitely postpone, Messrs. Gordon Hubbard and Houghtaling demanded the yeas and nays.

YEAS.

Messrs. Ashley, Ballou, Briggs, Conness, Dannels, Dawley, Ewer, Fairfield, French, Godard, Green, Griffith, Hollister, Hoyt, Hubbard, Hunt, Irwin, James, Jones, Kellogg, Koll, Musser, Myres, McBrayer, McDonald, McGee, Nichols,

O'Neil, F. A. Park, Purdy, Ring, Rowan, Spencer, Springer, Sweasey, Sweetland, Tallmadge, Van Cleft, Whipple and Mr. Speaker—40.

#### NAYS.

Messrs. Anderson, Bagley, Bennett, Bostwick, Bowie, Bradford, Carr, Carrillo, Clingan, Cornwall, Gilbert, Gordon, Hagans, Hastings, Henry, Herbert, Horr, Houghtaling, Hubert, Hunter, Letcher, Lindsey, Mandeville, McDuffie, McDaniel, McKinney, Noel, J. W. Park, Stemmons, Stevenson, Stowe, Tivy, Warmcastle, Watkins and Whitman—35.

So the bill was indefinitely postponed.

Mr. Whipple gave notice that on to-morrow he would move to reconsider the vote just taken.

Mr. Jones made the following report :

The Judiciary Committee, to whom was referred Senate bill No. 51, for an Act amendatory of an Act defining the time for commencing Civil Actions, have had the same under consideration, and recommend that it be indefinitely postponed.

Senate bill No. 51, above reported by Judiciary Committee,  
On motion, indefinitely postponed.

Mr. Myres, chairman, made the following report :

A majority of the Judiciary Committee, having fully considered Assembly bill No. 39, entitled an Act to amend an Act concerning Crimes and Punishments, passed April 16, 1850, herewith report the same to the House, and recommend its passage.

The bill, on motion of Mr. Myres, was laid on the table.

Mr. O'Neil, chairman, made the following report :

The Committee on Engrossment have examined and find correctly engrossed, an Act for the protection of Settlers.

Mr. Tivy, chairman, made the following report :

The Joint Committee on Enrollment, on yesterday, the 24th inst., presented to his Excellency the Governor, for his approval, an Act authorizing the Clerk of the Supreme Court of this State to appoint Deputies.

An Act to prevent the sale of fire-arms and ammunition to the Indians of this State.

An Act to legalize assessments in the county of San Diego.

An Act to fix the sessions of the Supreme Court at the Capital of the State.

An Act to change the name of Charles Turner Kelly to Charles Turner Kelly Tracy.

An Act to amend an Act entitled an Act concerning officers, passed April 28, 1851, and

An Act explanatory of an Act entitled an Act making appropriations for the civil expenses of Government of the State for the unexpired portion of the fiscal

year ending on the 30th day of June, A. D., 1854, and for the first seven months of the fiscal year commencing on the 1st day of July, A. D., 1854, approved March 11, 1854.

The following messages were received from the Governor :

I have this day approved the following Acts which originated in the Assembly, viz :

An Act to legalize assessments in the county of San Diego.

An Act to prevent the sale of fire-arms and ammunition to Indians in this State, and

An Act to authorize the Clerk of the Supreme Court to appoint Deputies.

I have this day approved an Act which originated in the Assembly,

An Act to abolish the Board of Supervisors in the county of Contra Costa.

JOHN BIGLER.

The following message was received from the Senate :

I am instructed to inform the Assembly that the Senate passed yesterday Senate bill for an Act for the relief of Wm. N. Walton.

Assembly bill for an Act to provide for the election of a Justice of the Peace for the town of Santa Clara, and define his jurisdiction.

Assembly bill for an Act to amend an Act concerning the writ of *habeas corpus*, passed April 20, 1850, with amendments as therein shown,

And, a substitute for Assembly Joint Resolution, in reference to postal arrangements in this State.

All of which are respectfully submitted.

JOHN Y. LIND,  
Secretary.

Senate amendment to Assembly bill No. 95, an Act to amend an Act concerning the writ of *habeas corpus*, passed April 20, 1850,

Concurred in by the Assembly.

Senate bill No. 13, for an Act for the relief of Wm. N. Walton.

Read a first and second time, and referred to Committee on Claims.

Senate Joint Resolution, as a substitute for Assembly Joint Resolution No. 26, in relation to Mail Routes in California.

Senate substitute, on motion, adopted by the Assembly.

Mr. Bostwick moved to reconsider the vote which adopted Senate substitute.

Vote reconsidered.

On motion of Mr. Conness, the bill and substitute were laid on the table.

Mr. Green introduced a Joint Resolution in relation to an Act of Congress concerning private Land Claims in the State of California.

Read a first time, and ordered to a second reading on to-morrow.

On motion, Mr. Bradford was excused from serving as one of the Special Committee in reference to the sale of State property in San Francisco ; and Mr. Hoff was appointed in his place.

Mr. McBrayer was also excused from serving on the same committee, and Mr. Van Cleft appointed in his place.

The following message was received from the Senate :

I am instructed to inform the Assembly, that the Senate passed, yesterday, As-



sembly Joint Resolutions in relation to the establishment of a free watering place in Humboldt Desert; and

Senate bill for an Act to extend the provisions of an Act for the Protection of Game to the County of Tuolumne.

All of which are respectfully submitted.

JOHN Y. LIND,  
Secretary.

Senate bill, No. 98, above reported, to extend the provisions of an Act for the Protection of Game to the county of Tuolumne.

Read a first time, and ordered to a second reading on to-morrow.

Mr. Bradford introduced a bill for an Act to establish the State University of California.

Read a first and second time, and referred to Committee on Education.

Mr. Briggs introduced a bill for an Act to locate the County Seat of El Dorado county.

Read a first time, and ordered to a second reading on to-morrow.

Mr. Hubert introduced a bill for an Act concerning the improvement of Portsmouth Square in the city of San Francisco.

Read a first and second time, and referred to the delegation from San Francisco.

Mr. Griffith gave notice, that at an early day he would introduce a bill for an Act supplemental to an Act to provide for the disposal of the five hundred thousand acres of land granted to this State by Act of Congress, approved May 3, 1852.

Mr. Van Cleft gave notice that, at an early day, he would introduce a bill to provide for the selection of the lands donated by the United States to the State of California, for the support of Common Schools and for the erection of Public Buildings.

Mr. Conness introduced a bill for an Act to prevent the absence of Judicial and other officers from this State.

Read a first time, and ordered to a second reading on to-morrow.

Mr. Herbert gave notice, that on to-morrow he would introduce a bill for the relief of Capt. John Boling, Sheriff of Mariposa county.

Mr. McDonald gave notice, that on to-morrow, he would introduce a bill for the relief of John Ridgely, M. D.

Mr. O'Neil gave notice, that on Monday next he would offer an amendment to the second standing rule of this House, so as to provide a regular place in the order of business for the introduction of bills.

Mr. Hunt gave notice, that on Monday next, or some day thereafter, he would introduce a bill for the Incorporation of the town of San Bernardino.

Mr. Sweasey gave notice, that on Monday next he would introduce a bill for an Act to secure the most suitable edifices for public buildings in this State.

Also a bill for a general law for the benefit of the Smith family, or those who may wish to change their names.

Mr. Stowe introduced a bill for an Act to provide for the creation of a Board of Commissioners to revise the practice in the Courts of Justice in this State, and to define their duties.

Read a first and second time, and referred to Judiciary Committee.

Mr. Conness gave notice, that at an early day he would introduce a bill for the repeal of the laws providing for the payment of Expeditions against the Indians.

Mr. Bennett introduced a bill for an Act to locate the County Seat of Sonoma county anew.

Read a first and second time, and referred to the delegation from Sonoma.

Mr. Hoyt introduced a bill for an Act to amend an Act concerning the official bonds of officers.

Read a first time, and ordered to a second reading on to-morrow.

Mr. Letcher introduced a bill for an Act to amend the seventh section of an Act entitled an Act to incorporate the city of San Jose, passed March 27, 1850.

Read a first and second time, and referred to the delegation from Santa Clara.

Mr. Carrillo introduced a bill for an Act amendatory of an Act to fix the compensation of County Judges and Associate Justices of the Court of Sessions, passed May 17, 1853.

Read a first time, and ordered to a second reading on to-morrow.

Mr. Griffith offered a resolution requesting Dr. Winslow to deliver a public lecture upon the subject of Agriculture.

Mr. Kellogg moved to lay the resolution on the table.

Agreed to.

Mr. Stowe introduced a bill for an Act amendatory of an Act entitled an Act concerning Divorces, passed March 25, 1851.

Read a first time, and ordered to a second reading on to-morrow.

Mr. Houghtaling moved a call of the House.

Call not sustained.

Assembly bill No. 184, an Act to repeal an Act to fix the compensation of County Judges and Associate Justices of the Court of Sessions, passed April 22, 1850, approved May 17, 1853.

Read a second time, and referred to the delegation from Santa Clara.

Mr. McDuffie gave notice that at an early day he would introduce a bill to repeal all laws for the recovery of debts.

On motion of Mr. McDaniel, the Committee on Roads and Highways were requested to inquire into the expediency of reporting a bill to compel persons to open lanes, or erect suitable gates to accommodate public travel.

Mr. Musser introduced a bill for an Act to prevent frauds in the sale of domestic animals.

Read a first and second time, and referred to Committee on Agriculture.

The following message was received from the Senate :

I am instructed to inform the Assembly that the Senate passed, this day, Assembly bill for an Act to amend an Act entitled an Act dividing the State into Counties, and establishing the Seats of Justice therein, passed April 25, 1851.

Also, Assembly bill for an Act declaring Mission Creek, in the county of San Francisco, a navigable stream, with amendments as therein shown,

And the accompanying substitute for Assembly bill for an Act to change the head of navigation of Tuolumne river.

All of which is respectfully submitted.

JOHN Y. LIND,  
Secretary.

Senate bill No. 100, an Act to declare the head of navigation on the Tuolumne river, offered as a substitute for Assembly bill upon the same subject.

Mr. Mandeville moved to lay the bill and substitute upon the table.

Agreed to.

Mr. Sweasey moved to adjourn.

No quorum voted.

Mr. O'Neil moved a call of the House.

Call not sustained.

On motion of Mr. McDonald, the House adjourned until 11 o'clock on Monday next.

## HOUSE OF ASSEMBLY

Monday, March 27, 1884

House met pursuant to adjournment.

The roll was called, and the following members were absent:

Messrs. Ayres, Clingan, Fawley, Gilman, Green, J. W. Park, Ring, Spencer, and those absent on leave and on business of the House.

The Journal of Saturday was read and approved.

On motion, leave of absence was granted to Mr. Van Cleft for six days, Mr. Jones four days, Mr. Ring three days, Mr. Green one day, and to Messrs. Fawley, Ayres and Spencer for two days each.

Mr. Fawley presented a petition from Robert Lockwood D. Annable, praying for a change of name to that of William Newell Thompson.

Which was read and referred to the San Francisco delegation.

Mr. Fawley presented a petition from citizens of Sonoma county, praying for a removal of the County Seat of said county.

Which was read.

Mr. Myers, chairman, made the following report:

The Judiciary committee have had under consideration the following bills, viz:

Assembly bill No. 168, entitled an Act to empower the Courts of Sessions and Justices' Courts to authorize prisoners to labor in certain cases, and recommend that it be immediately postponed.

Also Senate bill No. 95, entitled an Act to amend an Act entitled an Act concerning the office of Comptroller, passed January 18, 1880, and recommend its passage.

Also Assembly bill No. 170, entitled an Act to provide for the appointment of Deputy County Treasurers, for which the Committee herewith report a substitute and recommend its passage.

Assembly bill No. 168, an Act to empower Courts of Sessions and Justices' Courts to authorize prisoners to labor in certain cases, reported by Judiciary Committee, and

On motion, indefinitely postponed.

Senate bill No. 95, an Act to amend an Act entitled an Act concerning the office of Comptroller, passed January 18, 1880.

Reported back by Judiciary Committee, read a second time and passed.

Assembly bill No. 171, an Act to provide for the appointment of Deputy County Treasurers.

Reported back with substitute by Judiciary Committee.

On motion, laid on the table.

Mr. Myers, Chairman, made the following report:

The Judiciary Committee have had under consideration Senate bill, No. 92, entitled an Act concerning County Judges, and report the same back with a recommendation that it pass.

Senate bill, No. 92, an Act concerning County Judges.

Reported back by Judiciary Committee, and

On motion laid on table.

Mr. Tivy, chairman, made the following report :

The Joint Committee on Enrolled Bills have examined, and found correctly enrolled, the following Acts, viz :

An Act to provide for the payment of the official reporters to the Senate.

An Act to change the name of William Meyer to William Meyer Elton.

An Act to authorize the Court of Sessions of the county of Placer to reimburse Wm. D. Smith and Isaac A. Avery for money by them expended in constructing a wagon road across the Sierra Nevada Mountains.

An Act amendatory to an Act incorporating the city of Marysville, and to Acts supplementary and amendatory thereto.

Mr. James made the following report :

The Select Committee of Five, to whom was referred Assembly Bill, No. 26, would respectfully report—

That the enormous expenses of Government in this State, have induced the people to desire and expect a reduction of salaries and curtailment of expenditures in all departments. While the people would not be parsimonious, still they cannot allow their representatives in the Legislature to be lavish, and will not acquit us of blame, if we fail to introduce those reforms which will render the necessary taxation less onerous.

And your committee would recommend the passage of the bill, with the following amendments.

Strike out three thousand and insert three thousand five hundred as salary for the Secretary of State.

Strike out one thousand six hundred and insert two thousand as salary of the Attorney General.

Strike out \$100 and insert \$2000 as salary of the Surveyor General.

Strike out \$600 and insert \$3000 as salary of the Superintendent of Public Instruction.

Strike out \$5000 and insert \$6000 as salary of the Judge of Supreme Court.

Strike out \$4000 and insert \$5000 as salary of the District Judges in the 5th, 6th, 7th, 8th, 9th, 10th and 11th Judicial Districts.

Strike out \$8 and insert \$10 in the second line of the third section.

Strike out 80 and insert 100 before days, third section.

Strike out \$4 and insert \$5 in third line of the third section.

Strike out, or "repugnant to," in the fifth section, and insert after "conflict," the words "or inconsistent."

All of which is respectfully submitted.

D. R. ASHLEY,  
M. W. GORDON,  
JOHN C. JAMES,  
Committee..

Assembly bill, No. 26, an Act to reduce the salaries of State Officers and the pay of members of the Legislature.



On motion of Mr. Conness, the House resolved itself into Committee of the Whole Mr. Mandeville in the chair, to consider the bill, having considered the same,

On motion of Mr. Ballou, the committee rose, reported the bill back with amendments, and were discharged.

Mr. Conness moved that the House concur generally in the amendments adopted in Committee of the Whole.

Not agreed to.

The first four amendments, recommended by Select Committee, and adopted in Committee of the Whole, were then concurred in by the House.

The committee recommended that the words \$5000 in that portion of the bill relating to the salary of Judges of the Supreme Court be stricken out and the words \$6000 inserted in lieu thereof.

Mr. Bradford moved to amend the amendment of the committee by striking out \$6000 and inserting \$8000.

Not agreed to.

The amendment was then concurred in.

The sixth amendment reported from Committee of the Whole, fixing the salary of Judges of the District Courts of the 5th, 6th, 7th 8th, 9th, 10th and 11th Judicial Districts, under consideration,

Mr. Whitman moved to amend by changing the salary of the Judge of the 7th Judicial District from \$5000 to \$6000.

Not agreed to.

Mr. Bradford moved to lay the bill on the table.

Not agreed to.

Mr. French moved to adjourn, upon which motion, Messrs. Hubbard, Bradford and Pratt, demanded the yeas and nays.

Those who voted in favor of adjournment were—

Messrs. Ballou, Carr, Fairfield, French, Houghtaling, Hunter, Irwin, Mandeville, Myres, McBrayer, McDonald, McKinney, Pratt, Tallmadge, Tivy and Mr. Speaker—16.

Those who opposed adjournment were—

Messrs. Anderson, Ashley, Bagley, Bennett, Bostwick, Bowie, Bradford, Conness, Cornwall, Ewer, Godard, Gordon, Griffith, Hagans, Hastings, Hollister, Hoyt, Hubbard, Hunt, McDuffie, McDaniel, McGee, Noel, J. W. Park, Rowan, Stemmons, Sweetland, Warmcastle, Watkins and Whipple—30.

So the House refused to adjourn.

The remaining amendments adopted in Committee of the Whole, were then concurred in by the House, with the exception of the last, which proposed to add to section 4, as amended, the words "or on business by order of the Legislature;" pending which,

On motion of Mr. McBrayer, the House adjourned until 11 o'clock to-morrow.

# HOUSE OF ASSEMBLY.

TUESDAY, March 28, 1854.

House met pursuant to adjournment.

The roll was called, and the following members were absent :

Messrs. Burton, Clingan, Fairfield, French, Gilbert, Griffith, Herbert, Kellogg, Letcher, Purdy, Sweasey and Whitman.

The Journal of Monday was read and approved.

On motion, one day's leave of absence was granted to Messrs. Letcher, French, Whitman, Burton, Fairfield, Kellogg, Gilbert and Hubert.

Mr. Conness moved to amend the Journal of yesterday by striking from it the report made by Mr. James upon the salary bill for State officers and members of the Legislature.

Not agreed to.

Mr. Bradford made the following report :

The Committee on Public Lands, to whom was referred joint resolution in relation to the removal of the office of Register of the United States Land Office for the Northern District of California from Benicia and establishing the same at the Seat of Government of the State of California, have had the same under consideration, and beg leave to submit the following substitute, and recommend its passage.

Mr. Dannels moved to amend by establishing an additional Land Office at Marysville.

On motion of Mr. Griffith, the resolution, substitute and amendment offered by Mr. Dannels,

Laid upon the table.

Mr. Dawley made the following report :

The Committee on Commerce and Navigation having had under consideration Assembly bill No. 128, an Act to amend an Act entitled an Act to prohibit the erection of weirs or other obstructions to the run of salmon, passed April 12, 1852, beg leave to report the same back without amendment, and recommend its passage.

Also, Assembly bill No. 136, an Act to authorise Stephen K. Nurse to build a wharf in the county of Solano, have given the same careful attention, and report the same back without amendment, and unanimously recommend its passage.

Assembly bill No. 128, above reported, to prohibit the erection of weirs, amended on motion of Mr. Griffith, by adding the months of November and December after the word August, and to amend the first section by striking out the word "enjoined" and insert "required," where it alludes to officers.

Agreed to.

On motion of Mr. Warmcastle, the bill was laid upon the table.

Assembly bill No. 136, an Act to authorise Stephen K. Nurse to build a wharf.

On motion, laid upon the table.

Mr. Letcher, chairman, made the following report :

The Santa Clara delegation, to whom was referred Assembly bill No. 184, relative to the compensation of County Judges and Associate Justices of the Court of Sessions, beg leave to report the same back to the House with several amendments recommend their adoption and the passage of the bill.

In section four strike out "is hereby repealed," and insert "and all other Act and parts of Acts in conflict or inconsistent with this Act, are hereby repealed."

Strike out title of the bill and insert "An Act to fix the compensation of County Judges and Associate Justices of the Courts of Sessions, and to repeal a like Act passed May 19, 1853."

Assembly bill No. 184, above reported, under consideration,

On motion of Mr. Letcher, the House resolved itself into Committee of the Whole, Mr. O'Neil in the chair, to consider the bill; after spending some time in the consideration of the same, and making amendments thereto,

On motion of Mr. Myres, the committee rose, reported the bill back as amended recommended the passage of the bill, and asked to be discharged from its further consideration.

The committee was discharged.

The amendments made in Committee of the Whole were concurred in generally by the House.

The bill considered as engrossed and read a third time.

Mr. Conness moved to reconsider the vote which read the bill a third time.

Vote reconsidered.

Mr. Myres offered an amendment to the fourth section, which was adopted.

The bill was then considered as engrossed, read a third time and passed.

Mr. Hagans made the following report:

The delegation from Sonoma county to whom was referred a bill to locate anew the county seat of Sonoma county, have had the same under consideration, and beg leave to report the bill back to the House without amendment, and recommend its passage.

Assembly bill No. 199, an Act to locate the county seat of Sonoma county, on its third reading, considered as engrossed, read a third time and passed.

The following message was received from the Governor:

I have, this day, approved an Act entitled an Act to incorporate the city of Oakland.

JOHN BIGLER.

The following message was received from the Senate:

I am directed by the Senate to inform the Assembly, that the Senate passed, this day, a bill for an Act fixing the compensation of the County Judge of Santa Barbara county

JOHN Y. LIND,  
Secretary.

By JOHN H. STEWART, Assistant Secretary.

Senate bill No. 103, above reported,

On motion of Mr. Letcher, the bill was amended to include the County Judge of Santa Clara, and also the title of the bill.

The bill read a first, second and third time, and passed.

The following message was also received from the Senate:

I am instructed to inform the Assembly, that the Senate passed, on the 22d inst.

a bill for an Act to amend an Act entitled an Act concerning the Courts of Justice of this State and Judicial Officers, passed May 19, 1853.

Respectfully,

JOHN Y. LIND,  
Secretary.

Senate bill No. 47, above reported, read a first and second time, and referred to Judiciary Committee.

The following message was received from the Senate :

I am directed to inform the Assembly, that the Senate has, this day, passed Assembly bill for an Act to create the county of Stanislaus, to define its boundaries, and to provide for its organization, with amendments therein shown.

JOHN Y. LIND,  
Secretary.

The amendments made in the Senate to Assembly bill, to create the county of Stanislaus :

Agreed to by the House.

The following message was received from the Senate :

I am directed by the Senate to inform the Assembly, that, on yesterday, the Senate passed a bill for an Act to pay James McMahon for services to the State.

An Act amendatory of an Act concerning the office of Public Administrator, and making it elective, passed April 15, 1851, which the Senate adopted for Assembly bill, No. 93, herewith returned.

Assembly bill No. 117, for an Act supplementary to the Act incorporating the city of Benicia, with amendments, to which they ask your concurrence.

And, also, Assembly Joint Resolution, No. 135, granting leave of absence to Edward T. Fletcher, County Judge of Klamath county.

All of which is respectfully submitted.

JOHN Y. LIND,  
Secretary.

By JOHN H. STEWARD, Assistant Secretary.

Senate bill No. 34, an Act to pay James McMahon for services to the State.

Read a first and second time, considered in Committee of the Whole, read a third time and passed.

Senate bill No. 102, concerning the office of Public Administrator.

Read a first and second time, rule suspended, read a third time and passed.

Assembly bill No. 117, an Act supplementary to the Act incorporating the city of Benicia, reported from the Senate ;

On motion, laid upon the table.

Assembly bill No. 62, an Act declaring Mission creek, in the county of San Francisco, a navigable stream.

Amended in the Senate, which amendments were concurred in by the House.

Mr. Bostwick gave notice that, on to-morrow, he would move to change the first standing rule of the House, so as to provide for two sessions per day.

Mr. Ashley gave notice that, at an early day, he would introduce a bill for an Act to create a new county to be called the county of Pajaro.

Mr. Herbert introduced a bill for an Act for the relief of John Boling, sheriff of Mariposa county.

Read a first and second time, and referred to Committee on Claims.



Mr. Conness introduced a bill for an Act to repeal the several Acts providing for the payment of Expeditions against the Indians in this State.

Read a first and second time, and referred to Committee on Indian Affairs.

On motion of Mr. O'Neil, the second rule of the House was amended so as to read as follows :

After the reading and approval of the Journal, the order of business shall be as follows :

1. Presentation of Petitions.
2. Reports of Standing Committees.
3. Reports of Select Committees.
4. Messages from the Governor.
5. Messages from the Senate.
6. Motions, Resolutions and Notices.
7. Introduction of Bills.
8. Third reading of Bills.
9. Unfinished Business of preceding day.
10. Special Order of the day.

Mr. Dannels introduced a bill for the protection of owners of buildings and other fixtures to the soil in the mining districts of this State.

Read a first and second time, and referred to Committee on Mines and Mining Interests.

Mr. Herbert gave notice that he would at an early day, introduce a bill appropriating out of the State Treasury a contingent fund for the use of the Attorney General of this State.

Mr. McDonald introduced a bill an Act for the relief of John Ridgely, M. D.

Read a first and second time, and referred to the Committee on Claims.

Mr. Hunt introduced a bill for an Act to authorize the incorporation of the city of San Bernardino.

Read a first and second time, and referred to Committee on Corporations.

Mr. Conness, on offered the following, which,

On motion, was laid upon the table :

*Resolved*, That after this day no member shall speak for more than five minutes on any question at any one time, except by leave of two-thirds of the House.

Mr. McBrayer gave notice that at an early day he would introduce a bill declaring Sacramento the permanent Capital of the State, and making provision for the erection of necessary public buildings.

Mr. Hastings gave notice that on to-morrow, or some future day, he would introduce a bill for an Act to require State Officers to report expenditure of Contingent Fund, &c., placed at their disposal.

On motion, indefinite leave was granted to Mr. Clingan, in consequence of ill health.

On motion of Mr. Purdy, the House adjourned until 11 o'clock to morrow.

## HOUSE OF ASSEMBLY.

WEDNESDAY, March 29, 1854.

House met pursuant to adjournment.

The roll was called, and the following members were absent :

Messrs. Aylett, Bostwick, Briggs, Carr, Conness, Hastings, Henry, Hubert, Lindsey, McBrayer, McGee and Rowan.

The Journal of Tuesday was read and approved.

On motion, leave of absence was granted to Mr. Carr for two days, to Mr. McGee for five days, Mr. Fairfax, indefinite, in consequence of ill health ; to Mr. J. W. Park for three days, to Mr. Hastings for one day, and to Mr. Bostwick for four days.

Mr. Ashley presented a petition from citizens of Monterey, Santa Cruz, and Santa Clara praying for the erection of a new county out of portions of the territory of the above named counties.

Petition read, and referred to the delegations from the above counties.

Mr. Gordon presented a petition from citizens of Calaveras praying for the passage of a law embracing the provisions of the Maine Liquor Law.

Petition read, and referred to special committee, of which Mr. Letcher is chairman.

Mr. Fairfield made the following report :

The Committee on Claims, to whom was referred the claims of W. F. McLean, respectfully beg leave to report, that they have had the same under consideration, and report it back to the House, and recommend it be indefinitely postponed.

The report of committee adopted.

Mr. Watkins, chairman, made the following report :

The Committee on Corporations, to whom was referred Assembly bill No. 202, have had the same under consideration, and have instructed me to report it back without amendment, and recommend its passage.

Assembly bill No. 202, an Act to authorize the Incorporation of the city of San Bernardino, above reported,

Considered as engrossed, read a third time, and passed.

Mr. Herbert, chairman, made the following report :

The Committee of Ways and Means, to whom was referred a petition from the citizens of Santa Barbara county, have had the same under consideration, and ask leave to report the same back to the House, and recommend that it be laid on the table for the present.

Petition, on motion, laid on the table.

Mr. Herbert, chairman, made a further report :

The Committee of Ways and Means, to whom was referred Assembly bill No. 144, entitled an Act concerning Poll Taxes, have had the same under consideration, and ask leave to report the same back to the House, and recommend that it do not pass.

Assembly bill No. 144, and Act concerning Poll Tax, reported by Committee of Ways and Means,

On motion, laid on the table.

Mr. Herbert, chairman, made a further report :

The Committee of Ways and Means, to whom was referred a bill entitled an Act making appropriations for the payment of the per diem of Members and Officers of the Legislature, have had the same under consideration, and ask leave to report the same back to the House, and recommend that it do not pass.

Assembly bill No. 159, above reported, on its third reading, vote taken, and did not pass.

Mr. Myres, chairman, made the following report :

The Judiciary Committee have had under consideration Senate bill No. 47, entitled an Act to amend an Act entitled an Act concerning the Courts of Justice of this State and Judicial Officers, passed May 19, 1853.

Also, Senate bill No. 55, entitled an Act relative to transferring Actions and Proceedings from one Court to another Court, to which severally the committee have made amendments, and respectfully recommend their passage.

Senate bill No. 47, an Act to amend an Act entitled an Act concerning the Courts of Justice of this State and Judicial Officers, passed May 19, 1853, on its third reading.

Mr. Gordon offered an amendment, providing that the bill should not extend to the Courts of San Francisco.

Not agreed to.

The bill was then read a third time and passed.

Senate bill No. 55, an Act relative to transferring Actions and Proceedings from one Court to another Court.

Amendments proposed by the committee adopted by the House.

The bill read a third time and passed.

Mr. Stemmons, chairman, made the following report :

The Committee on Agriculture, to whom was referred a bill to prevent fraud in the sale of Domestic Animals, have had the same under consideration, beg leave to report the same back to the House, and recommend that it do not pass.

Assembly bill No 200, an Act to prevent frauds in the sale of Domestic Animals, reported back by Committee on Agriculture, on its third reading,

House refused to pass the bill.

Mr. O'Neil made the following report :

The Committee on Engrossed Bills have examined and find correctly engrossed, an Act amendatory of an Act dividing the State into Counties and establishing the Seats of Justice therein, passed April 25, 1851.

Mr. Tivy, chairman, made the following report :

The Joint Committee on Enrolled Bills have carefully examined Assembly Joint

Resolutions in relation to the establishment of a free watering place in Humboldt Desert.

Assembly bill entitled an Act to amend an Act entitled an Act dividing the State into Counties, and establishing the Seats of Justice therein, passed April 25, 1851.

Assembly bill entitled an Act to amend an Act concerning the Writ of Habeas Corpus, passed April 20, 1850.

And Assembly bill entitled an Act to provide for the election of a Justice of the Peace for the town of Santa Clara and define his Jurisdiction, and find the same correctly enrolled.

Mr. Letcher made the following report :

The Santa Clara Delegation, to whom was referred Assembly bill No. 201, an Act to amend the seventh section of an Act entitled an Act to incorporate the City of San Jose, passed March 27, 1850, beg leave to report the same back to the House without amendment, and recommend its passage.

Assembly bill No. 201, an Act to amend the seventh section of an Act to Incorporate the city of San Jose, passed March 27, 1850.

Read a third time and passed.

Mr. Bagley, chairman, made the following report :

The Committee on State Prisons respectfully submit the following report :

Your committee are opposed to repealing sections sixth, seventh, and seventeenth, for the following reasons :

Section sixth provided for the appointment of a Board of Inspectors by the Governor with the advice and consent of the Senate. And your committee would further state, that if said provision be stricken out, it leaves the State Prison entirely independent of the State Government, which would no doubt lead to results injurious to the community.

Section seventh provided for peculiar duties of said Inspectors, one of which shall be to make a report. Your committee also state, that they have received no paper or document purporting to be a report of said institution.

Assembly bill No. 111, an Act to amend an Act providing for securing the State Prison Convicts; on its third reading,

On motion, laid on the table.

Mr. Godard offered the following, which was adopted :

*Resolved*, That the State Prison Committee be instructed to visit immediately the State Prison, and examine the same, and report to the House the number of prisoners confined therein, their condition, and the provisions made for their security. Also, whether the prison buildings are constructed according to the contract for their erection, the capacity of the same, and such suggestions as may be necessary for the future safety and protection of the prisoners.

Mr. Watkins moved to amend the first standing rule of the House, agreeably to notice given by Mr. Bostwick on yesterday, as follows :

The Speaker shall take the chair at the hour of meeting, shall immediately call the House to order, and on the appearance of a quorum at the morning session, shall cause the Journal of the preceding day to be read.

The House shall meet, for the morning session, at half-past nine o'clock, and shall take a recess at half-past twelve o'clock, and shall meet for the afternoon session at the hour of two o'clock.

Mr. Fairfax moved to amend by fixing the hour of adjournment at one o'clock, instead of half-past twelve; and three o'clock instead of two o'clock.

Mr. Purdy moved to lay the whole subject upon the table. Agreed to.



The following message was received from the Senate :

I am directed to inform the Assembly, that the Senate passed, this day, a bill entitled an Act to authorize the construction of a wharf at Pulgas Rancho, in the county of San Francisco, to which they respectfully ask the concurrence of the Assembly.

JOHN Y. LIND,  
Secretary.

Senate bill, No. 70, above reported from the Senate.

Read a first and second time, and referred to the Committee on Commerce.

On motion of Mr. Godard, Assembly bill, No. 100, an Act to amend an Act entitled an Act to regulate proceedings in Criminal Cases, passed May 1, 1851, was made the special order of the day for Friday next, at twelve o'clock.

Mr. Spencer gave notice that, on to-morrow, he would introduce a bill for an Act to Fund the debt of Humboldt county.

Mr. McDonald gave notice that, on to-morrow he would introduce a bill to secure the rights of Appellants in the Supreme Court of this State.

Mr. Myres moved to take from the table Senate bill, No. 92, an Act concerning County Judges.

Agreed to.

The bill was then amended, read a third time and passed.

Mr. Bagley moved to take from the table a resolution heretofore offered by Mr. Griffith, inviting Doct. Winslow to deliver a lecture at the Capital.

Mr. Kellogg moved to lay the motion on the table.

Not agreed to.

The motion to take from the table,

Agreed to.

Mr. Sweasey moved to adjourn.

Not agreed to.

The resolution was then adopted.

Mr. Bagley introduced a bill for an Act to limit the hours of labor.

Read a first time, and ordered to a second reading on to-morrow.

Mr. Ashley introduced a bill for an Act to create the county of Pajara.

Read a first time and ordered to a second reading on to-morrow.

Mr. Stevenson introduced a bill for an Act to amend sections first and fifteenth of article eighth of the Act to provide revenue for the State.

Read a first time, and ordered to a second reading on to-morrow.

Mr. Tivy, chairman, made the following report :

The Joint Committee on Enrolled Bills have examined, and found correctly enrolled, an Act to pay James McMahon for services to the State.

Mr. O'Neil introduced a bill for an Act to authorize the Secretary of State to issue State Licenses to Hawkers and Pedlars.

Read a first and second time, and referred to Committee of Ways and Means.

Mr. Davidson introduced a bill for an Act to protect stock growers from losses by noxious animals.

Read a first and second time, and referred to Committee of the Whole House.

Mr. Sweasey introduced the following bills :

A bill for an Act to empower Courts of Sessions to change or alter the name of persons.

Read a first time, and ordered to a second reading on to-morrow.

Also, a bill for an Act to secure the most suitable edifice for public buildings in this State.

Read a first time, and ordered to a second reading on

Assembly bill, No 168, an Act to extend the time for the final settlement of the collector of Butte county, amended.

Read a third time and passed.

Assembly bill, No. 177, an Act to amend an Act entitled an Act concerning the salaries of officers and members of the Legislature, passed May 11, 1852.

Read a second time, and referred to Committee of Ways and Means.

Assembly bill, No. 86, an Act creating a Board of Commissioners and the Office of Overseer, in each township of the several counties, to regulate Water Courses within their respective limits, with a substitute pending,

On motion, made the special order for Monday next at 12 o'clock.

Senate bill, No. 63, an Act to provide for building and furnishing a Jail in Sacramento county.

Read a third time and passed.

Assembly bill, No. 180, an Act to provide for the erection of public buildings in the county of Napa.

Considered as engrossed, read a third time and passed.

Assembly bill, No. 114, substitute for an Act concerning lawful fences and animals trespassing on lands lawfully enclosed, on its third reading,

On motion, made the special order for Tuesday next at 12 o'clock.

Assembly Joint Resolution, 167, concerning the donation of lands in California for the construction of Railroads in this State.

Read a second time, and referred to Committee on Corporations.

Assembly bill, No. 191, an Act to prevent the abuse of Judicial and other Officers from this State.

Read a second time, and referred to the Judiciary Committee.

Mr. Fairfax gave notice that on to-morrow or some early day thereafter, he or Mr. McDuffie would introduce a bill to suppress Gambling.

Assembly bill, No. 192, an Act to locate the County Seat of El Dorado county.

Read a second time, and referred to El Dorado delegation.

Assembly bill No. 195, an Act to amend an Act concerning the official bonds of officers.

Read a second time and referred to Judiciary Committee.

Assembly bill no. 197, an Act amendatory of an Act entitled an Act concerning Divorces, passed March 25, 1851.

Read a second time and referred to Judiciary Committee.

Assembly bill No. 198, an Act amendatory of an Act to fix the compensation of County Judges and Associate Justices of the Courts of Sessions, passed May 17, 1853.

Read a second and third times and lost.

Senate bill No. 98, an Act to extend the provisions of an Act for the protection of Game to the county of Tuolumne.

Read a second time and referred to the Tuolumne delegation.

Assembly bill No. 186, an Act for the relief of certain persons therein named.

Read a second time and referred to Committee on Claims.

Assembly bill No. 183, an Act explanatory of an Act entitled an Act to incorporate the city of Los Angeles, approved April 4, 1850.

Read a second time and referred to delegation from Los Angeles.

Assembly bill No. 185, an Act to fund the debt of the county of Solano, and to provide for the payment thereof.

Read a second time and referred to delegation from Solano.

Assembly bill No. 181, an Act concerning the organization of the Militia.

Read a second time and ordered to a third reading on to-morrow.

Senate bill No. 93, for an Act to repeal an Act entitled an Act to authorise the Treasurer of the State to make special deposits, passed May 4, 1852.

Read a second time and referred to Committee of Ways and Means.

Assembly joint resolutions No. 194, in relation to an Act of Congress concerning private land claims in the State of California.

Read a second time and referred to Committee on Public Lands.

Assembly bill No. 189, an Act to amend an Act entitled an Act to incorporate the city of Sacramento, passed March 26, 1851.

Read a second time and referred to Sacramento delegation.

Assembly bill No. 182, an Act to amend the 54th section of the 10th article of an Act entitled an Act to provide revenue for the support of the Government of this State, passed May 18, 1853.

Read a second time and referred to Committee of Ways and Means.

Assembly bill No. 26, an Act to reduce the salaries of State officers and the pay of members of the Legislature.

Mr. Bradford moved to recommit the bill to the Select Committee, with instructions to increase the salary of Judges of the Supreme Court, upon which motion Messrs. Ashley, Gordon and Watkins demanded the yeas and nays.

Those voting in favor of recommitment were—

Messrs. Bradford, Carrillo, Dannels, Dawley, French, Hunt, Musser, Myres, McDonald, McDuffie, McKinney, Nichols, O'Neil, Purdy, Ring, Rowan, Springer, Stowe, Tallmadge, Tivy, Whipple and Whitman—22.

Those voting against recommitment were—

Messrs. Anderson, Ashley, Bennett, Bowie, Burton, Clingan, Cornwall, Davidson, Ewer, Fairfield, Gilbert, Gordon, Green, Griffith, Hagans, Hastings, Hollister, Horr, Houghtaling, Hubbard, Hunter, Kell, Letcher, Lindsey, Mandeville, McDaniel, Noel, Pratt, Stemmons, Stevenson, Warneastle, and Watkins—33.

So the House refused to recommit the bill.

Mr. Bradford moved a call of the House.

Call not sustained.

Mr. McDuffie moved to adjourn.

Not agreed to.

Mr. McDuffie moved a call of the House.

Not sustained.

Mr. French moved to take a recess for one hour.

Not agreed to.

Mr. French moved to lay the amendment under consideration upon the table.

Not agreed to.

Mr. French moved to adjourn.

Not agreed to.

Mr. French moved a call of the House.

Call not sustained.

Mr. Mandeville moved the previous question, upon which Messrs. French, Myres and Bagley demanded the yeas and nays.

YEAS.

Messrs. Anderson, Ashley, Bennett, Burton, Clingan, Cornwall, Ewer, Fairfield, French, Gordon, Green, Griffith, Hagans, Hastings, Horr, Houghtaling, Hubbard, Hunt, Letcher, Lindsey, Mandeville, McBrayer, Noel, Stevenson, Tivy, and Watkins—26.



NAYS.

Messrs. Ballou, Bowie, Bradford, Carrillo, Dannels, Davidson, Dawley, Hunter, Kellogg, Koll, Musser, Myres, McDonald, McDuffie, McDaniel, McKinney, Nichols, O'Neil, Pratt, Ring, Rowan, Springer, Stemmons, Stowe, Tallmadge, Warmcastle, Whipple and Whitman—28.

So the previous question was not sustained.

Mr. O'Neil moved to adjourn.

Not agreed to.

Mr. French moved to lay the whole matter on the table.

Not agreed to.

Mr. Whitman moved to indefinitely postpone the amendment.

Not agreed to.

Mr. Bagley moved a call of the House.

Call not sustained.

The amendment was then adopted.

Mr. Mandeville offered the following amendment which was adopted; add to section first, "provided the provisions of this Act shall not apply to the present incumbents."

Mr. McDuffie moved to strike out \$6,000 for salary of Judges of the Supreme Court, and insert \$8,000.

Not agreed to.

On motion, the bill was ordered engrossed for a third reading on to-morrow.

On motion of Mr. Myres, the House adjourned until 11 o'clock to-morrow.

## HOUSE OF ASSEMBLY.

THURSDAY, March 30, 1854.

House met pursuant to adjournment.

The roll was called and the following members were absent:

Messrs. Aylett, Bagley, French, Gordon, Griffith, Herbert, Horr, Hubert, Nichols and Rowan.

The Journal of Wednesday was read and approved.

Mr. Tallmadge made the following minority report:

A minority of the committee, to whom was referred sundry bills to provide for Public Printing, have had under consideration, Assembly bill No. 129, entitled an Act to amend the Act to provide for the Public Printing, passed April 29, 1852, and beg leave to report it back with recommendation that it do not pass.

Also, Assembly bill No. 139, and report it back and recommend that it pass, and that blanks in relation to the number of copies of Laws and Journals to be printed



be filled in accordance, with the recommendation of the Secretary of State in his communication to this House, February 10, 1854.

TALLMADGE,  
BRIGGS.

Mr. Herbert made the following report :

The majority of the Committee on Printing, have had Assembly bills Nos. 129 and 139, under consideration and ask leave to report back to the House a substitute for the same, and recommend its passage.

NOEL,  
HASTINGS,  
HERBERT,  
HOUGHTALING,

The substitute offered by the majority of the Committee on Printing,

Read a first time, 240 copies ordered to be printed, and the whole subject made the special order for Friday week next, at 11 o'clock.

Mr. Myres, chairman, made the following report :

A portion of the Judiciary Committee, having had under consideration Assembly bill 172, to divide the Tenth Judicial District and to create a new Judicial District, report the same back, and recommend that it be referred to a committee, formed of one, from each of the delegations of Yuba, Nevada, Sierra and Sutter.

Report of the committee adopted, and Messrs. Sweetland, James, Hastings and McDuffie were appointed said committee.

Mr. Myres, chairman, made the following report :

The Judiciary Committee, have had under consideration, Assembly bill, No. 172 entitled an Act to divide the Tenth Judicial District, and to create a new Judicial District and to fix the terms thereof, and recommend that it do not pass.

Also, Assembly bill No. 196, entitled an Act to provide for the creation of a Board of Commissioners to revise the practice in the Courts of Justice in this State, and define their duties.

Also, Assembly bill No. 50, entitled an Act in relation to State Prison Bonds, which severally the committee recommend be indefinitely postponed.

Assembly bill No. 94, entitled an Act to amend an Act concerning Crimes and Punishments, passed April 16, 1850, the committee herewith report with amendments to the fortieth and forty second sections of said Act, and recommend the passage of the bill as amended. The committee further recommend that the proposed amendment to section fourteen of said Act concerning witnesses and accompanying the above entitled bill, be not adopted.

The committee also recommend that Assembly bill No. 162; entitled an Act to amend an Act entitled an Act concerning Crimes and Punishments, passed April 16, 1850, be indefinitely postponed.

Assembly bill No. 196, an Act to provide for the creation of a Board of Commissioners to revise the practice in the Courts of Justice of this State and to define their duties.

Read a third time and did not pass.

Assembly bill No. 50, an Act in relation to State Prison Bonds; on its third reading,

On motion, made the special order for 12 o'clock, on Wednesday next

Assembly bill reported back by the Judiciary Committee, an Act to amend an Act concerning Crimes and Punishments, passed April 16, 1850, with amendments.

The first amendment as follows : Sec. 1. Section fourteen of an Act concerning

Primes and Punishments, passed April 16, 1850, is hereby amended so as to read as follows: "No black or mulatto person, Mongolian, Malay, or Indian, shall be permitted to give evidence in favor of, or against any white person. Every person who shall have one-eighth part or more of negro blood shall be deemed a mulatto, and every person who shall have one-half of Indian blood, shall be deemed an Indian."

Mr. Conness moved to adjourn.

Not agreed to.

Mr. Fairfield moved to lay the amendment on the table.

Not agreed to.

On the adoption of the amendment, Messrs. Watkins, McBrayer and Irwin demanded the yeas and nays.

Those who voted in favor of the amendment were—

Messrs. Anderson, Bradford, Carrillo, Cornwall, Davidson, Dawley, Ewer, French, Griffith, Hastings, Henry, Herbert, Horr, Hubbard, Hunter, Irwin, Koll, Mandeville, Musser, Myres, McBrayer, McDuffie, Noel, O'Neil, F. A. Park, Stemmons, Stevenson, Sweetland, Tivy and Mr. Speaker—29.

#### NAYS.

Messrs. Ashley, Bagley, Ballou, Bennett, Bowie, Briggs, Burton, Clingan, Conness, Dannels, Fairfield, Gilbert, Godard, Gordon, Green, Hagans, Hollister, Houghtaling, Hoyt, Hunt, Kellogg, McDonald, McKinney, Nichols, Pratt, Purdy, Ring, Spencer, Stowe, Sweasey, Tallmadge, Van Cleft, Warmcastle, Watkins, Whipple and Whitman—37.

So the amendment was not adopted.

Mr. Hoyt moved to adjourn, and Messrs. O'Neil, Griffith and F. A. Park demanded the yeas and nays:

1

#### YEAS.

Messrs. Ashley, Ballou, Bennett, Clingan, Conness, Dannels, Green, Henry, Houghtaling, Hoyt, Purdy, Ring, Spencer, Sweasey, Tallmadge and Watkins—16.

#### NAYS.

Messrs. Anderson, Bagley, Bowie, Bradford, Briggs, Burton, Carrillo, Cornwall, Davidson, Dawley, Ewer, Fairfield, French, Godard, Gordon, Griffith, Hagans, Hastings, Herbert, Hollister, Horr, Hubbard, Hunt, Hunter, Irwin, Kellogg, Koll, Mandeville, Musser, Myres, McBrayer, McDonald, McDuffie, McKinney, Nichols, Noel, O'Neil, F. A. Park, Pratt, Rowan, Stemmons, Stevenson, Stowe, Sweetland, Tivy, Van Cleft, Warmcastle Whipple, Whitman and Mr. Speaker—50.

So the House refused to adjourn.

Mr. McKinney moved to re-consider the vote which refused to adopt the amendment under consideration.

Mr. Conness moved to adjourn.

Not agreed to.

Mr. Ashley demanded a call of the House.

Call was not sustained.

Mr. Ashley moved to adjourn.

Not agreed to.

Mr. Hoyt moved to lay the motion to reconsider on the table.

Not agreed to.

On the motion to reconsider the vote, Messrs. Whipple, Watkins and Warmcastle demanded the yeas and nays.

## YEAS.

Messrs. Anderson, Bagley, Bradford, Carrillo, Cornwall, Davidson, Dawley Ewer, French, Griffith, Hagans, Hastings, Henry, Herbert, Horr, Hubbard, Hunter Irwin, Koll, Lindsey, Mandeville, Musser, Myres, McBrayer, McDuffie, McDaniel McKinney, Noel, O'Neil, F. A. Park, Rowan, Stemmons, Stevenson, Sweetland Tivy and Mr. Speaker—36.

## NAYS

Messrs. Ashley, Ballou, Bennett, Bowie, Clingan, Conness, Dannels, Fairfield Gilbert, Godard, Gordon, Green, Hollister, Houghtaling, Hoyt, Kellogg, McDonald Nichols, Pratt, Purdy, Ring, Spencer, Stowe, Sweasey, Tallmadge, Warmcastle Watkins, Whipple and Whitman—29.

So the vote was reconsidered.

Mr. Green moved to adjourn.

Not agreed to.

On the adoption of the amendment, Mr. French demanded the previous question.

Mr. Conness moved a call of the House, and Messrs. Conness, Green and Ballou demanded the yeas and nays.

## YEAS.

Messrs. Ashley, Bagley, Ballou, Bennett, Bowie, Bradford, Carrillo, Clingan Conness, Ewer, Fairfield, Gilbert, Godard, Gordon, Green, Hagans, Hollister, Hoyt Hunt, Kellogg, Mandeville, Musser, McDonald, Nichols, Pratt, Ring, Spencer Sweasey, Tallmadge, Warmcastle, Whipple and Whitman—32.

## NAYS.

Messrs. Anderson, Cornwall, Dannels, Davidson, Dawley, French, Griffith, Hastings, Henry, Herbert, Horr, Houghtaling, Hubbard, Hunter, Irwin, Koll, Lindsey Myres, McDuffie, McDaniel, McKinney, Noel, O'Neil, F. A. Park, Rowan, Stemmons, Stevenson, Stowe, Sweetland, Tivy, Watkins and Mr. Speaker—32.

There being an equal number of votes, the motion was lost, so the House did not sustain the call.

The previous question was then sustained.

Mr. Conness rose to a question of order, in reference to the effect of the previous question, contending that the passage of the bill was the main question.

The Chair decided (Mr. Mandeville in the chair) that the main question was the third reading of the bill,

From which decision Mr. Conness appealed.

The House sustained the decision of the Chair,

And upon the adoption of the amendment under consideration, Messrs. Tallmadge French and Hubbard demanded the yeas and nays.

## YEAS.

Messrs. Anderson, Bagley, Bradford, Carrillo, Cornwall, Davidson, Dawley

French, Griffith, Hagans, Hastings, Henry, Herbert, Horr, Houghtaling, Hubbard, Hunter, Irwin, James, Koll, Lindsey, Mandeville, Musser, Myres, McBrayer, McDuffie, McDaniel, McKinney, Noel, O'Neil, F. A. Park, Rowan, Stemmons, Stevenson, Sweetland, Tivy, and Mr. Speaker—37.

YAYS.

Messrs. Ashley, Ballou, Bowie, Clingan, Conness, Dannels, Gilbert, Godard, Green, Hollister, Hoyt, Hunt, Kellogg, McDonald, Nichols, Pratt, Ring, Spencer, Sweasey, Tallmadge, Van Cleft, Warmcastle, Watkins, and Whitman—24.

So the amendment was adopted.

On the adoption of the second amendment, section 5th of the bill, Messrs. Tallmadge, Hubbard and Green demanded the yeas and nays.

Those who voted in favor of the adoption of the amendment were—

Messrs. Anderson, Ashley, Bagley, Ballou, Bennett, Carrillo, Clingan, Conness, Dannels, Davidson, Dawley, Gilbert, Godard, Gordon, Green, Griffith, Hagans, Hastings, Hollister, Houghtaling, Hubbard, Kellogg, Lindsey, Mandeville, Musser, McDonald, O'Neil, F. A. Park, Ring, Spencer, Stemmons, Sweetland, Tallmadge, Tivy, Warmcastle, and Watkins—36.

Those who opposed the adoption of the amendment were—

Messrs. Bowie, Cornwall, French, Henry, Herbert, Horr, Hunt, Hunter, Irwin, James, Koll, Myres, McBrayer, McDuffie, McKinney, Nichols, Noel, Rowan, Stevenson, Van Cleft, Whitman, and Mr. Speaker—22.

So the amendment was adopted.

The question then came up on the adoption of the third amendment, section 6th of the bill, Messrs. Tallmadge, Gordon and Kellogg demanding the yeas and nays.

Those who voted for the adoption of the amendment were—

Messrs. Anderson, Ashley, Ballou, Bennett, Briggs, Burton, Carrillo, Clingan, Conness, Dannels, Davidson, Gilbert, Godard, Gordon, Green, Hagans, Hastings, Hollister, Houghtaling, Hoyt, Kellogg, Lindsey, Mandeville, Musser, O'Neil, F. A. Park, Ring, Spencer, Stemmons, Tallmadge, Tivy, Warmcastle, Watkins, and Whipple—35.

Those who voted against the adoption of the amendment were—

Messrs. Bagley, Cornwall, Dawley, French, Henry, Herbert, Horr, Hunter, Irwin, James, Myres, McBrayer, McDuffie, McKinney, Nichols, Noel, Rowan, Van Cleft, and Mr. Speaker—19.

So the amendment was adopted.

The bill was then read a third time.

Mr. Hoyt moved to adjourn.

Not agreed to.

On motion of Mr. Fairfax, made the special order for Saturday next at 12 o'clock.

A communication was received from Dr. W. D. Aylett, tendering his resignation as a member of the Assembly, and the Clerk was directed to notify the Governor of the same.

On motion of Mr. Ashley, House adjourned until 11 o'clock to-morrow.



## HOUSE OF ASSEMBLY.

FRIDAY, March 31, 1854.

House met pursuant to adjournment.

The roll was called, and the following members were absent :

Messrs. Bagley, Gilbert, Herbert, McDonald, McGee, Nichols and Van Cleft.

The Journal of Thursday was read, amended and approved.

On motion, leave of absence was granted to Mr. Carr for two days, and Mr. McDonald for one day.

Mr. Briggs presented a petition, numerously signed by citizens, praying for the passage of a law to leave to the vote of the people the permanent location of the county seat of El Dorado county.

Mr. Fairfield, chairman, made the following report :

The Committee on Claims have had under consideration Senate bill No. 64, and beg leave to report it back to the House and recommend its passage.

Senate bill above reported, an Act for the relief of John F. Hayes, on its third reading, considered in Committee of the Whole, read a third time and passed.

Mr. Conness made the following report :

The Committee on Claims, to whom was referred an Act for the relief of John Ridgely, M. D., have had the same under consideration, and ask to submit the following report—

From various certificates accompanying the claim, it appears that Dr. Ridgely was employed by the late Dr. Dickson to fill his place during the temporary absence of that gentleman from the small-pox department of the State Marine Hospital at San Francisco. But it does not appear that the said Ridgely was authorised by any other person than that of Dr. Dickson to perform the services referred to, consequently Dr. Ridgely should not look to the State for compensation. If, by any construction whatsoever, the services of Dr. Ridgely could be made to assume the form of a claim, as against the public treasury, it belongs solely to the Trustees of the State Marine Hospital to consider it. Therefore, the committee recommend the indefinite postponement of the bill.

Assembly bill No. 203, an Act for the relief of John Ridgely, on its third reading, motion made to indefinitely postpone the bill.

The hour of 12 having arrived, the Speaker informed the House that there was a special order for this day and hour.

Mr. Conness moved to pass over the special order for the present.

Agreed to.

Mr. Gordon moved to lay the bill on the table.

Not agreed to.

Upon the adoption of the motion to indefinitely postpone the bill, Messrs. Conness, Mandeville and Houghtaling demanded the yeas and nays.

YEAS.

Messrs. Ashley, Ballou, Bennett, Burton, Conness, Cornwall, Davidson, Ewer, Fairfield, Hagans, Hoyt, Hunt, Irwin, Koll, Letcher, Lindsey, Mandeville, McBray-

er, F. A. Park, Pratt, Ring, Rowan, Springer, Stowe, Tallmadge, Warmcastle, and Watkins—27.

## NAYS.

Messrs. Anderson, Bowie, Bradford, Briggs, Clingan, Dannels, Dawley, Gilbert, Godard, Gordon, Green, Hastings, Hollister, Houghtaling, Hubbard, Hunter, James, Kellogg, Musser, Myres, McDuffie, McKinney, Nichols, Noel, O'Neil, Purdy, Spencer, Stemmons, Stevenson, Sweasey, Sweetland, Tivy, Whipple, and Mr. Speaker—34.

So the House refused to indefinitely postpone.

On motion of Mr. Nichols, the House resolved itself into Committee of the Whole, Mr. Mandeville in the chair, to consider the bill; after spending some time in its consideration, and amending the same,

On motion of Mr. Bradford, the committee rose, reported the bill back as amended, and asked to be discharged from its further consideration.

The committee was discharged, and the amendment made in Committee of the Whole

Concurred in by the House.

The bill considered as engrossed, and read a third time, and on its final passage Messrs. Conness, Bradford and McBrayer demanded the yeas and nays.

## YEAS.

Messrs. Anderson, Bowie, Bradford, Briggs, Clingan, Dawley, Gilbert, Godard, Green, Henry, Hubbard, Hunter, James, Musser, McDuffie, McKinney, Nichols, Noel, O'Neil, Spencer, Stemmons, Sweetland, Tivy, Whipple and Mr. Speaker—35.

## NAYS

Messrs. Ashley, Ballou, Bennett, Burton, Conness, Cornwall, Dannels, Davidson, Ewer, Fairfield, Gordon, Griffith, Hagans, Hastings, Hollister, Horr, Houghtaling, Hoyt, Hunt, Irwin, Kellogg, Koll, Letcher, Lindsey, Mandeville, Myres, McBrayer, F. A. Park, Pratt, Purdy, Ring, Rowan, Springer, Stevenson, Stowe, Sweasey, Tallmadge, Van Cleft, Warmcastle and Watkins—40.

So the House refused to pass the bill.

Mr. Mandeville moved to reconsider the vote which passed Senate bill No 64, for the relief of John F. Hays.

Vote reconsidered,

And the House refused to pass the bill.

Mr. Irwin gave notice that he would move, on to-morrow, a reconsideration of the vote which refused to pass the bill under consideration.

Mr. Gordon gave notice that on to-morrow he would move a reconsideration of the vote which refused to pass the bill for the relief of John Ridgely, M. D.

Mr. Tivy, chairman, made the following report :

The Joint Committee on Enrolled bills have examined and found correctly enrolled, the following Acts, viz :

An Act declaring Mission Creek, in the county of San Francisco, a navigable stream.

An Act to create the county of Stanislaus, to define its boundaries, and to provide for its organization.

An Act fixing the compensation of the County Judges of Santa Barbara and Santa Clara counties ; and

Joint Resolutions granting four months leave of absence to Edward P. Fletcher, County Judge of Klamath county.

Mr. Myres, chairman, made the following report :

The Judiciary Committee, to whom was referred the Governor's Special Message, relative to the Leidesdorff Estate, together with a communication from the Attorney General upon the same subject, have had the same under consideration, and in accordance with the opinions therein expressed, report herewith the two accompanying bills, and recommend their passage at an early day.

Mr. Myres, form Judiciary Committee, introduced the following bills :

An Act to amend an Act entitled an Act concerning Escheated Estates, approved May 4, 1852.

Read a first and second time, and 240 copies ordered to be printed.

Also, an Act to amend an Act to regulate proceedings in Civil Cases in the Courts of Justice of this State, passed April 29, 1851.

Read a first and second time, and 240 copies ordered to be printed.

Mr. Dawley, chairman, made the following report :

The Committee on Commerce and Navigation, to whom was referred a bill entitled an Act to authorize the construction of a Wharf at the Pulgas Rancho, respectfully report, that they have considered the provisions of said bill, and report it back without amendments, and recommend that the bill pass.

Senate bill No. 70, above reported, read a third time and passed.

Mr. Dannels, chairman, made the following report ;

The Committee on Mines and Mining Interests have had under consideration Assembly bill No. 58, for an Act for the protection of owners of buildings in the mining districts, and herewith report a substitute thereto, and recommend its passage.

They have also had under consideration Assembly bill No. 102, for an Act for the better development of the mineral resources of California, would report the same back without recommendation, and ask to be discharged from the further consideration of the subject.

Also, Assembly bill No. 61, a bill for an Act amendatory of an Act to provide for the protection of Foreigners, and define their liabilities and privileges, would report the same back with an amendment, as therein shown, and recommend its passage.

Assembly bill No. 206, substitute for No. 58, upon the same subject, an Act for the protection of owners of building lots in the mining districts.

Two hundred and forty copies of the substitute ordered to be printed, and the bills made the special order for Thursday next at 12 o'clock.

Assembly No. 61, a bill for an Act amendatory of an Act to provide for the protection of Foreigners, and to define their liabilities and privileges.

Mr. Myres offered an amendment to the bill as a substitute to an amendment offered by the committee,

Which was adopted.

On motion, the bill was laid upon the table.

Assembly bill No. 102, for an Act for the better development of the mineral resources of California.

Reported back by Committee on Mines and Mining Interests, without any recommendation.



On motion, the bill was laid on the table.

Mr. Houghtaling moved a call of the House.

Call not sustained.

Mr. Ashley moved to take a recess for one hour.

Not agreed to.

Mr. O'Neil, chairman, made the following report :

The Committee on Engrossment have examined and find correctly engrossed,

An Act to fix the compensation of County Judges and Associate Justices of the Court of Sessions, and to repeal a like Act passed May 17, 1853, and an Act to fix the salary of the Judge of Placer County, approved May 18, 1853.

An Act to locate the County Seat of Sonoma county anew.

Assembly Joint Resolution relative to lands donated to this State by the United States.

An Act to reduce the salaries of State Officers, and the pay of Members of the Legislature.

An Act to extend the time for the final settlement of the Collector of Butte county.

An Act to provide for the erection of Public Buildings in the County of Napa.

And an Act to amend the seventh section of an Act entitled an Act to Incorporate the city of San Jose, passed March 27, 1850.

Assembly bill, No. 183, an Act explanatory of an Act entitled an Act to incorporate the city of Los Angeles, approved April 4, 1850.

Considered as engrossed, read a third time and passed.

Mr. Briggs made the following report :

The undersigned, a part of the committee to whom was referred a bill for an Act for the location of the County Seat of El Dorado county, beg leave to report the bill back to the House without amendment, and recommend its passage.

The undersigned, would state further, that Coloma, the present county seat, is 12 miles from the geographical centre of the county, and at an inconvenient distance from a very large majority of the population.

Some days since, a petition was received signed by about seven thousand of the citizens of El Dorado county, praying for the removal of the county seat from Coloma to Placerville.

A more recent petition, signed by about four thousand five hundred citizens has also been received, in which the petitioners express the desire that the location should be submitted to the people of the county at a special election.

The undersigned, believe this to be the most satisfactory mode of settling questions of this character, and much more republican, in principle, than a decision by a legislative body.

ALFRED BRIGGS,  
HANNIBAL HOLLISTER.

Assembly bill, No. 192, an Act to locate the county seat of El Dorado county, above reported,

On motion, laid upon the table.

The following message was received from the Governor :

I have this day approved the following Joint Resolutions which originated in the Assembly, viz :

Joint Resolution in relation to the establishment of a free watering place in Humboldt Desert.

Joint Resolution instructing our Senators and requesting our Representatives to favor the passage of a law by Congress authorizing the Board of U. S. Land Commissioners to hold sessions at Los Angeles.

JOHN BIGLER.



The Speaker laid before the House a communication from the Secretary of State in reference to supplies for the Legislature.

Communication read and referred to Committee of Ways and Means.

The following message was received from the Senate :

I am instructed to inform the Assembly, that the Senate passed, this day, Assembly bill for an Act to incorporate the town of Alameda, with an amendment as there in shown.

Which is respectfully submitted.

JOHN Y. LIND,  
Secretary.

Amendment of the Senate to the above bill, concurred in by the Assembly.  
The following message was also received from the Senate :

I am instructed to inform the Assembly, that the Senate passed, yesterday, a bill for an Act authorizing the Mayor and Common Council of the City of Sacramento to issue City Bonds for certain purposes:

JOHN Y. LIND,  
Secretary.

Senate bill, No. 106, above reported,

Read a first and second time, and referred to the delegation from Sacramento.

The following message was also received from the Senate :

I am instructed to inform the Assembly, that the Senate have, this day, refused to concur in Assembly amendment to Senate bill for an Act relative to transferring actions and proceedings from one Court to another Court, and request that a committee of conference be appointed. The Senate have appointed on their part Messrs. Smith, Bryan and Hagar.

Respectfully,

JOHN Y. LIND,  
Secretary.

The House refused to recede from their amendments to the above Senate bill, and appointed Messrs. Myres, Griffith and Ashley as a Committee of Conference.

The following message was also received from the Senate :

I am instructed to inform the Assembly, that the Senate passed, yesterday, a bill for an Act concerning the Comptroller's and Treasurer's Offices.

JOHN Y. LIND,  
Secretary.

Senate bill, No. 26, an Act concerning the Comptroller's and Treasurer's Offices.  
Read a first time, and ordered to a second reading on to-morrow.

On motion of Mr. Godard, Senate bill, No. 100, an Act to declare the head of navigation on the Tuolumne river, was taken from the table.

Read a third time and passed.

Special order of the day, Assembly bill, No. 100, taken up for consideration.

Mr. Ballou moved the indefinite postponement of the bill.

Mr. Ashley offered an amendment in relation to the challenge of Jurors.

Agreed to.

Mr. Myres moved to strike out the first and second sections of the bill.

Not agreed to.

Mr. Gordon offered the following amendment ; add to the 5th subdivision the following—"except that in cases where the punishment is, or may be death, the counsel or the defendant shall be entitled to the closing argument."

Not agreed to.

Mr. Hoyt moved to adjourn.

Not agreed to.

Mr. Hoyt moved a call of the House.

Not sustained.

Mr. Whitman offered an additional section to the bill.

Agreed to.

Mr. Stevenson moved the previous question.

The previous question was sustained.

The bill was then read a third time, and Messrs. Hubbard, Hoyt and McBrayer demanded the yeas and nays upon the passage of the bill.

#### YEAS.

MESSRS. Anderson, Ashley, Bowie, Bradford, Briggs, Burton, Cornwall, Dannels, Davidson, Ewer, Green, Hagans, Henry, Houghtaling, Hunt, Hunter, James, Kellogg, Letcher, Lindsey, Mandeville, Musser, Myres, McBrayer, McDuffie, McKinney, Nichols, Noel, O'Neil, Rowan, Spencer, Stemmons, Stevenson, Stowe, Sweetland, Tivy, Watkins, Whipple and Whitman—39.

#### NAYS.

MESSRS. Ballou, Bennett, Gordon, Hollister, Horr, Hoyt, Hubbard, McDaniel, F. A. Park, Pratt, Ring, Springer, Sweasey, Van Cleft and Warmcastle—15.

So the bill passed.

On motion of Mr. Bradford, the House adjourned until 11 o'clock, to-morrow.

### HOUSE OF ASSEMBLY.

SATURDAY, April 1, 1854.

House met pursuant to adjournment.

The roll was called, and the following members were absent :

Messrs. Bagley, Clingan, Dawley, French, Gilbert, Griffith, Hastings, Herbert, McDuffie, Purdy, Stowe, Warmcastle and Mr. Speaker.

The Journal of Friday was read and approved.

On motion, leave of absence was granted to Mr. Carrillo for two days ; to Mr. French for two days ; to Mr. Dawley for two days ; to Mr. Gilbert for one day ; to Mr. Warmcastle for three days ; and to Mr. Herbert for two days.

Mr. Watkins, chairman, made the following report :

The Committee on Corporations, to whom was referred the Assembly bill, No. 188, have had the same under consideration, and have instructed me to report the same back with amendments and recommend its passage.

Assembly bill No. 188, an Act amendatory of an Act entitled an Act to provide for the incorporation of Railroad Companies, approved April 22, 1853.

Amendments offered to the second and fifth sections by the committee, adopted by the House.

Mr. Green moved to lay the bill on the table.

Not agreed to.

Mr. Hubbard moved to make the bill the special order for Monday next at 12 o'clock.

The hour of 12 having arrived, the Speaker informed the House that there was a special order for this day and hour.

Mr. Fairfax moved to pass over for the present special order.

Agreed to.

On motion of Mr. Hubbard, the bill was made the special order of the day for Saturday next at 12 o'clock.

Mr. McBrayer made the following report :

The Sacramento Delegation, to whom was referred Senate bill, No. 106, authorizing the Mayor and Common Council of Sacramento city, to issue City Bonds for certain purposes, have had the same under consideration, and beg leave to report the same back to the House, and recommend its passage.

Senate bill, No. 106, an Act authorizing the Mayor and Common Council of the city of Sacramento to issue City Bonds for certain purposes.

Read a third time and passed.

Mr. Tallmadge presented a petition from B. F. Bradford, praying for relief for provisions furnished overland emigrants.

Petition read and referred to Committee on Claims.

Mr. Bradford presented a petition from sundry citizens of San Joaquin county, praying for the passage of a law to protect fish in the waters near Stockton.

Petition read and referred to the delegation from San Joaquin.

Mr. Noel made the following report :

The Committee of Ways and Means, to whom was referred communication of the Secretary of the State, relative to necessary expenses incurred in furnishing the Legislature with stationery, fuel, &c., have had the same under consideration, and in accordance with the suggestions therein expressed, report back the following bill and recommend its passage.

Mr. Noel introduced a bill for an Act to provide for the payment of certain expenses.

Read a first time and ordered to a second reading on to-morrow.

Mr. Ashley made the following report :

The Judiciary Committee have duly considered Assembly bill No. 191, entitled an Act to prevent the absence of Judicial and other officers from this State.

Also, Assembly bill No. 195, entitled an Act to amend an Act concerning the official bonds of officers, herewith report the same to the House and recommend their passage.

Assembly bill No. 191, above reported, an Act to prevent the absence of Judicial and other officers from this State.

On motion, made the special order for Monday next at 12 o'clock.

Assembly bill No. 195, an Act to amend an Act concerning the official bonds of officers.

Reported back and laid upon the table.

Mr. Bradford, chairman, made the following report :

The Committee on Public Lands, to whom was referred Assembly joint resolutions in relation to an Act of Congress concerning private land claims in the State of California, report that they have considered the same and recommend their passage with an amendment :

Amend the title so as to read " Joint resolutions for the passage of a law by Congress making it the duty of the Attorney General of the United States to appeal each decision of the United States Board of Land Commissioners when such decision is adverse to the United States."

Amendment of the committee adopted by the House.

On motion, recommitted to the Committee on Public Lands.

M. O'Neil made the following report :

The Committee on Engrossments have examined and find correctly engrossed, an Act to authorise the incorporation of the city of San Bernardino, and

An Act explanatory of an Act entitled an Act to incorporate the city of Los Angeles, approved April 4, 1850.

Mr. Tivy made the following report :

The Joint Committee on Enrolled bills, on Wednesday, the 29th of March, presented to His Excellency, the Governor, for his approval, an Act to pay James McMahon for services to the State.

On Thursday, the 30th March, an Act to change the name of William Meyer to William Meyer Elton.

An Act amendatory to an Act incorporating the city of Marysville, and two Acts supplementary and amendatory thereto.

An Act to authorise the Court of Sessions of the county of Placer to reimburse William D. Smith and Isaac A. Avery for money by them expended in constructing a wagon road across the Sierra Nevada mountains.

Joint resolutions in relation to the Board of U. S. Land Commissioners, and

Joint resolutions in relation to the establishment of a watering place in Humboldt Desert ;

And on Friday, the 31st, they presented to His Excellency for approval, an Act to amend an Act entitled an Act dividing the State into counties and establishing the seats of justice therein, passed April 25, 1851.

An Act to amend an Act concerning the writ of Habeas Corpus, passed April 20, 1850.

An Act to provide for the election of a Justice of the Peace for the town of Santa Clara, and define his jurisdiction.

An Act declaring Mission creek, in the county of San Francisco, a navigable stream.

An Act to create the county of Stanislaus to define its boundaries, and to provide for its organization.

An Act fixing the compensation of the County Judges of Santa Barbara and Santa Clara counties ;

And joint resolution granting leave of absence to Edward P. Fletcher, County Judge of Klamath county.

Sacramento, April 1, 1854.

The following message was received from the Senate :

I am instructed to inform the Assembly that the Senate passed, yesterday, Assembly bill for an Act to authorise A. H. Murdock and others to build a wharf at the town of Union, in Humboldt county, with an amendment as therein shown.



And a concurrent resolution and memorial of the Senate and Assembly in relation to postage in California.

All of which is respectfully submitted.

JOHN Y. LIND,  
Secretary.

The amendment made in the Senate concurred in by the House to Assembly bill No. 106, an Act to authorise J. H. Murdock and others to build a wharf at the town of Union, in Humboldt county.

Senate concurrent resolution in relation to postage in California.

Read and referred to Committee on Federal Relations.

Mr. Irwin moved to reconsider the vote which refused to pass a bill, on yesterday, for the relief of J. F. Hayes.

The House refused to reconsider.

On motion of Mr. Whitman, Assembly bill No. 117, in reference to amendments to the charter of Benicia, was taken from the table, and the amendments of the Senate concurred in by the Assembly.

On motion of Mr. Ashley, the House proceeded to consider Assembly bill No. 94, an Act to amend an Act concerning crimes and punishments, passed April 16, 1850.

Mr. O'Neil moved a call of the House.

Call not sustained.

On motion of Mr. McKinney, the bill was laid upon the table.

The following message was received from the Governor :

EXECUTIVE DEPARTMENT, )  
Sacramento City, March 31st, 1854. )

*To the Senate and Assembly of California :*

I have the honor herewith to transmit for the consideration of the Legislature, a copy of a communication received on the 25th instant, from the Clerk of the Court of the Fourth Judicial District, notifying the Executive that the "Hon. Delos Lake, Judge of the Fourth Judicial District, left the city of San Francisco on the steamer which sailed on the 16th instant, for the Atlantic States."

It is understood that the present Legislature, by resolution, which resolution, it is proper to state, was not presented for my approval, granted permission to Judge Lake to absent himself from the State for four months.

The certificate of the clerk, herewith transmitted, is accompanied by a communication from the same officer, requesting the Executive "to direct some other District Judge to perform the duties of Judge Lake during his absence from the State," and also stating that "the number of causes on Calendar of February and March term is two hundred and twenty; on Calendar of next term—April and May—two hundred and fifty; total number at issue, four hundred and seventy; probable number not at issue, three hundred."

On a former occasion, in accordance with the provisions of the Act "concerning Courts of Justice of this State and Judicial officers," and before I had given the subject thorough examination, I exercised the power, and directed one District Judge to officiate in the district of another.

Since that time, however, I have given the subject careful consideration and satisfied myself that the exercise of such power is not within the scope of Executive duty, and clearly at variance with the spirit, if not the letter, of the Constitution.

The practice of granting leave of absence to the most important and indispensable of our State officers, and requiring their duties to be performed by others, is unjust to the people of the several districts, and may be dangerous to their rights and interests.

The Constitution declares that the Judges of the several courts shall be elected by the people, in the districts, and makes no provision for substitution by the Judge him-

self, or appointment by the Executive, *except in cases of vacancy*. This privilege of choosing Judges to determine their controversies, it is maintained, cannot, even for a day, be divested or infringed upon by legislation.

The clerk not having given notice to the Executive of a vacancy, but merely a temporary absence, with leave, I do not feel authorised to proceed to appointment in conformity with the 15th section of the Act of 1853, or the 8th section of article 5th of the Constitution, until the clerk shall have certified to such vacancy, resulting from the absence of Judge Lake from the State, in contravention of the 91st section of the Act, approved May 19, 1853, which declares that "a Judge of the Supreme Court, or of the District Court, or of the Superior Court of the City of San Francisco, or of a County Court *shall not absent himself from the State.*"

In the present case, leave of absence has been granted by a concurrent resolution, in effect, repealing the section of law above referred to, which repeal can only be constitutionally effected by the passage of an act with all the formalities and requirements presented by the 1st section of the fourth article of the Constitution.

Entertaining the views, and appreciating the importance of some speedy and constitutional action for the relief of the people of the Fourth Judicial District, I have deemed it my duty to commend the subject to the immediate consideration of the Legislature.

JOHN BIGLER.

Communication read and referred to Judiciary Committee.

The following message was also received from the Governor:

EXECUTIVE DEPARTMENT, }  
Sacramento City, April 1st, 1854. }

*To the Asssmbly of California :*

"A Joint Resolution to allow four months leave of absence to Edward P. Fletcher, Judge of Klamath County," is herewith returned to the House, in which it originated, without my approval.

The duties to be performed by the Judicial Officers of the State, are so intimately connected with the most important and vital interests of the people, that having once assumed the responsibility of deciding upon the rights of persons and property, they should never be permitted to leave temporarily the trust confided to them, for the reason that such absence is eminently calculated to occasion serious public inconvenience.

But there are other and insuperable objections to the approval of the resolution. The Constitution provides for the election of Judges by the people in all cases, except where a vacancy shall occur, and then the Governor is directed to appoint "until the next general election."

The 91st section of the Act of 19th May, 1853, declares that a Judge of the Supreme Court, or of the District Court, or of the Superior Court of the City of San Francisco, or of a County Court, shall not absent himself from the State. The Constitution and laws are plain, direct and unequivocal on these points, and their provisions cannot be weakened or annulled by a Joint Resolution.

The Joint Resolution is, therefore, returned without approval. First, because I believe the policy of allowing Judicial Officers to absent themselves from the State and their duties to be wrong in principle----calculated to interfere with the rights and interests of the people, and seriously to retard the proper administration of Justice. Secondly, because the resolution is in direct conflict with the 91st section of the Act of 1853, "concerning the Courts of Justice of this State and Judicial Officers." And thirdly, because it is maintained that the Legislature cannot grant leave of absence to an officer elected by the people, in accordance with constitutional provisions.

JOHN BIGLER.

The communication, together with the resolutions above mentioned, were, on motion, laid upon the table.

Mr. Tivy, chairman, made the following report :

The Joint Committee on Enrolled Bills have examined, and find correctly enrolled the followings Acts, viz :

An Act concerning County Judges.

An Act amendatory of an Act concerning the office of Public Administrator, and making it elective, passed April 15, 1851.

An Act to provide for building and furnishing a Jail in Sacramento county.

And an Act to authorize the construction of a Wharf at the Pulgas Rancho in the County of San Francisco.

Mr. O'Neil moved to take from the table Joint Resolutions in reference to Mail Routes in California.

Not agreed to.

On motion of Mr. Fairfax, the House adjourned until 11 o'clock on Monday next.

## HOUSE OF ASSEMBLY.

MONDAY, April 3, 1854.

House met pursuant to adjournment.

The roll was called, and the following members were absent :

Messrs. Bagley, Bennett, Carr, Clingan, Davidson, Godard, Griffith, Hastings, Hoff, Horr, Hoyt, McBrayer, McDuffie, Nichols, F. A. Park, J. W. Park, Pratt, Purdy, Sweetland, Whitman and Mr. Speaker

The Journal of Saturday was read and approved.

On motion, leave of absence was granted to Messrs. Gordon for two days, Davidson for one day, Horr for one day, McDuffie for two days, Fairfax for two days, Bennett for one week, French for one day, Purdy for one day, Carr for one day, and Carrillo for one day.

Mr. Tivy, chairman, made the following report :

The Joint Committee on Enrolled Bills, on Saturday, the 1st instant, presented to his Excellency the Governor, for his approval, the following Acts, viz :

An Act to authorize the construction of a Wharf at the Pulgas Rancho in the County of San Francisco.

An Act concerning County Judges.

An Act amendatory of an Act concerning the Office of Public Administrator, and making it elective, passed April 15, 1851 ; and

An Act to provide for building and Furnishing a Jail in Sacramento county.

A communication was received from Dr. Winslow, in answer to an invitation of the Assembly to deliver a public lecture at the capitol.

Communication read.



Mr. Van Cleft gave notice that he would, on to-morrow, introduce a bill for the repeal of section second, article second, of an Act entitled an Act to provide for the revenue of the Government of this State.

Mr. Whitman gave notice that he would, on to-morrow, introduce a bill for the relief of John S. Bradford.

Mr. Spencer gave notice, that on to-morrow he would introduce a bill to authorize Vm. Roberts and others to build a Wharf at Bucksport, Humboldt county.

Mr. Musser gave notice that he would, at an early day, introduce a bill to change the time of electing the County Officers in Trinity county.

Mr. Whipple gave notice that he would, at an early day, introduce a bill to provide for the survey of a portion of the northern boundary of this State.

Mr. Letcher moved to take from the table a motion heretofore made by Mr. Bostick, to change the first standing rule of the House.

Agreed to.

Mr. Van Cleft moved to adjourn, and Messrs. Letcher, Ashley, and Stowe, demanded the yeas and nays.

## YEAS.

Messrs. Bowie, Henry, Hubert, O'Neil, Ring, Tallmadge and Tivy—7.

## NAYS

Messrs. Anderson, Ashley, Ballou, Bradford, Briggs, Burton, Conness, Cornwall,annels, Dawley, Ewer, Fairfield, Hagans, Hollister, Houghtaling, Hubbard,unter, James, Jones, Kellogg, Koll, Letcher, Lindsey, Mandeville, Myres, McDonald, McDaniel, McGee, McKinney, Noel, J. W. Park, Pratt, Rowan, Spencer,pringer, Stemmons, Stowe, Sweasey, Sweetland, Van Cleft, Watkins, Whippleand Whitman—43.

So the House refused to adjourn.

Mr. O'Neil moved a call of the House.

The call was not sustained.

Mr. Conness offered as a substitute the adoption of the original rule, which requires the House to meet at 10 o'clock.

Agreed to.

The hour of 12 having arrived, the Speaker, Mr. Mandeville in the chair, announced the special order of the day, which was an Act creating a Board of Commissioners and the office of Overseer in each township of the several counties therein named, to regulate Water Courses within their respective limits.

On its third reading.

On motion of Mr. Conness, the House resolved itself into Committee of the Whole, Mr. O'Neil in the chair, to consider the bill.

After spending some time in its consideration, and amending the same,

On motion, the committee rose, reported the bill back as amended, recommending passage, and asked to be discharged from the further consideration of the subject.

The committee was discharged.

The amendments made in committee adopted generally by the House.

Mr. Conness offered a proviso to the bill, which was adopted,

The bill considered as engrossed, read a third time and passed.

Mr. F. A. Park introduced a bill for an Act to fund the floating debt of Sacramento county, and to provide for the payment of the same.

Read a first and second time, and referred to Sacramento delegation.

Mr. Griffith introduced a bill for an Act supplemental to an Act to provide for



the disposal of the 500,000 acres of land granted to this State by Act of Congress approved May 3, 1852.

Read a first and second time, and 240 copies ordered to be printed, and the bill referred to Committee on Public Lands.

Mr. Bradford gave notice that on to-morrow he would introduce a bill for an Act to provide for Appeals from Justices' Courts in this State.

A bill for an Act to enable Creditors to settle separately with debtors jointly bound to them.

Also, a bill for an Act prescribing duties to County Clerks.

On motion of Mr. Dawley, the House adjourned until 10 o'clock to-morrow.

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## HOUSE OF ASSEMBLY.

TUESDAY, April 4, 1854.

House met pursuant to adjournment.

The roll was called, and the following members were absent :

Messrs. Bagley, Ballou, Bowie, Carr, Clingan, Cornwall, Dannels, French, Gilbert, Godard, Green, Griffith, Hastings, Herbert Hoff, Hollister, Hoyt, Hubert, Iwin, Nichols, F. A. Park, J. W. Park, Rowan, Sweetland, Warmcastle, Whitman and Mr. Speaker.

The Journal of Monday was read and approved.

Mr. Carrillo presented a petition for the abolishment of the office of Guager for the city of San Francisco.

Petition read and referred to Committee on Commerce.

Mr. Conness presented a petition numerously signed by citizens of El Dorado county, praying for the passage of a law to leave to a vote of the people of the county, at the next general election, the location of County seat.

Petition read and referred to delegation from El Dorado.

Mr. McDonald presented a petition numerously signed by citizens of El Dorado upon the above subject.

Petition read, and referred to delegation from El Dorado.

Mr. Springer presented a petition numerously signed by citizens of El Dorado upon the same subject,

Which was read and had the same reference.

Mr. Briggs presented sundry petitions numerously signed by citizens of El Dorado, praying for the passage of a law to hold a special election to locate the County Seat of El Dorado county.

Petitions read and referred to delegation from El Dorado county.

Mr. Spencer introduced a bill for an Act to amend an Act to establish an Asylum for the Insane of the State of California, approved May 17, 1853.

Read a first and second time, and referred to Committee on State Hospitals.

Mr. Myres gave notice that on to-morrow he would introduce a bill for an Act be entitled an Act amendatory of an Act to provide for the disposal of the 500,000 acres of land granted to this State by the 8th section of the Act of Congress, a

proved April 4, 1841, entitled an Act to appropriate the proceeds of the sales of the public lands, and to grant pre-emption rights, approved May 3, 1852.

Mr. Bradford offered the following, which was adopted :

*Resolved*, That the Assembly will devote Saturday of each week to the consideration of the unfinished business upon the Clerk's table.

Mr. Van Cleft introduced a bill for an Act to repeal section 2d, article 2d of an Act entitled an Act to provide Revenue for the support of the Government of this State.

Read a first time, and ordered to a second reading on to-morrow.

Mr. McDonald introduced a bill for an Act to secure the rights of appellates in the Supreme Court of this State.

Read a first time, and ordered to be read a second time on to-morrow.

Mr. Spencer introduced a bill for an Act to fund that portion of the debt of Trinity county, accruing previous to the 12th of May, 1853, apportioned to Humboldt county, and provide for the payment thereof.

Read a first and second time, and referred to committee composed of delegation from Trinity and Humboldt counties.

Mr. Spencer introduced the following bill :

Also, an Act to authorize William Roberts and others, to build a wharf at Buckport in Humboldt county.

Read a first time, and ordered to a second reading on to-morrow.

Mr. Bradford introduced the following bills :

An Act to provide for Appeals from Justices' Courts in this State.

A bill for an Act to enable Creditors to settle separately with debtors jointly bound to them.

A bill for an Act prescribing duties to County Clerks ; each of which were read a first and second time, and referred to Judiciary Committee.

Assembly bill, No. 26, an Act to reduce the salaries of State Officers and the pay of Members of the Legislature, on its third reading,

Mr. Ballou offered to amend by striking out all after the enacting clause, and insert a substitute, upon which Messrs. Stevenson, Hubbard and Ashley, demanded the yeas and nays :

Mr. Conness offered to amend the substitute offered by Mr. Ballou, in reference to the pay of Members of the Legislature.

Mr. Hunter moved a call of the House.

The call was sustained.

The roll was called and the following members were absent :

Messrs. Bagley, Briggs, Carr, Clingan, Ewer, French, Gilbert, Godard, Griffith, Hastings, Herbert, Hoff, Horr, Hoyt, Irwin, Lindsey, McBrayer, Nichols, J. W. Park, Purdy, Rowan, Warmcastle and Whipple.

The Sergeant-at-Arms was dispatched after absentees.

Messrs. Griffith, Springer and Stevenson were admitted within the bar of the House and excused.

Mr. Burton moved to dispense with further proceedings under the call.

Not agreed to.

On motion of Mr. Bradford, the House dispensed with further proceedings under the call.

The vote was then taken upon the amendment offered by Mr. Conness, and decided in the negative.

The vote was then taken upon the substitute offered by Mr. Ballou, by yeas and nays.

## YEAS.

Messrs. Ballou, Conness, Hollister, Koll, McDonald, O'Neil, Pratt, Ring, Springer, Sweasey, Tallmadge and Van Cleft—13.

## NAYS.

Messrs. Anderson, Ashley, Bowie, Bradford, Burton, Carrillo, Cornwall, Dannels, Davidson, Dawley, Fairfield, Green, Griffith, Hagans, Henry, Houghtaling, Hubbard, Hubert, Hunt, Hunter, James, Jones, Kellogg, Letcher, Mandeville, Musser, McDaniel, McGee, McKinney, Noel, Spencer, Stemmons, Stevenson, Stowe, Sweetland, Tivy, Watkins and Whitman—38.

So the House refused to adopt the substitute.

Mr. O'Neil, chairman, made the following report :

The Committee on Engrossments have carefully examined, and find correctly engrossed, an Act to amend an Act entitled an Act to regulate Proceedings in Criminal Cases, passed May 1, 1851.

The hour of twelve having arrived, the Speaker, Mr. Mandeville in the chair stated that there was a special order for this day and hour.

On motion of Mr. Bradford, the special order was laid upon the table.

Mr. Ballou offered the following amendment to the bill under consideration as an additional section :

"The Secretary and Sergeant-at-Arms of the Senate, and Clerk and Sergeant-at-Arms of the Assembly shall each receive twelve dollars per day during the session of the Legislature, and in no case shall the pay of other officers and attaches of the Legislature exceed that of members."

Mr. Stowe moved to amend the amendment, by striking from it the Secretary of the Senate and Clerk of the Assembly.

Not agreed to.

On the adoption of the amendment offered by Mr. Ballou, Messrs. Hubbard, Ballou and Bradford demanded the yeas and nays.

## YEAS.

Messrs. Anderson, Ashley, Ballou, Burton, Conness, Cornwall, Fairfield, Green, Hollister, Hubbard, Hunt, Jones, Koll, McDonald, McDaniel, Pratt, Spencer, Springer, Stevenson, Sweetland and Tallmadge—21.

## NAYS.

Messrs. Bradford, Briggs, Carrillo, Dannels, Dawley, Griffith, Hagans, Henry, Houghtaling, Hubert, Hunter, James, Kellogg, Letcher, Mandeville, Musser, McGee, McKinney, Noel, O'Neil, J. W. Park, Purdy, Ring, Stowe, Sweasey, Watkins, Whipple and Whitman—28.

So the House refused to adopt the amendment offered by Mr. Ballou.

The bill was then read a third time, and Messrs. Watkins, Briggs and Bradford, demanded the yeas and nays upon its passage.

## YEAS.

Messrs. Anderson, Ashley, Ballou, Bradford, Briggs, Burton, Conness, Cornwall, Dannels, Fairfield, Green, Griffith, Hagans, Hollister, Houghtaling, Hubbard, Hu-



bert, Hunt, Hunter, James, Jones, Kellogg, Koll, Letcher, Mandeville, Musser, McDonald, McDaniel, McGee, Noel, O'Neil, Pratt, Spencer, Springer, Stemmons, Stevenson, Stowe, Sweetland, Tivy, Watkins and Whipple—41.

## NAYS.

Messrs. Davidson, Dawley, Henry, Myres, McKinney, J. W. Park, Purdy, Ring, Sweasey, Tallmadge, Van Cleft and Whitman—12.

So the bill passed.

Mr. Sweetland gave notice that he would move, on to-morrow, to reconsider the vote just taken.

Mr. Griffith presented a memorial from the Board of Supervisors of Yolo county, praying for the passage of a law to authorize them to levy and collect a special tax for a special purpose, and introduced a bill for an Act to authorize the Board of Supervisors of Yolo county to levy a special tax for the payment of the existing debt of said county.

Read a first and second time, rules suspended, the bill considered as engrossed, read a third time and passed.

Assembly bill No. 162, an Act to amend an Act entitled an Act concerning Crimes and Punishments, passed April 16, 1852.

On its third reading was indefinitely postponed.

Senate bill No. 26, an Act concerning the Comptroller's and Treasurer's offices.

Read a second time, and referred to Committee on Ways and Means.

Assembly bill No. 211, an Act to empower Courts of Sessions to change or alter the names of persons.

Read a second time and referred to Judiciary Committee.

Assembly bill No. 213, an Act to limit the hours of labor.

Read a second time, and referred to Committee on Commerce.

Assembly bill No. 207, an Act to create the county of Pajaro, and establish the Seat of Justice therein; to define its boundaries, and provide for its organization and to determine its indebtedness.

Read a second time and referred to the delegation from Monterey, Santa Cruz and Santa Clara.

Assembly bill No. 212, an Act to amend section first and fifteenth of article eight of the Act to provide revenue for the State.

Read a second time, and referred to Committee of Ways and Means.

Assembly bill, No. 210, an Act to secure the most suitable edifices for Public Buildings in this State.

Read a second time, and referred to Committee on Public Lands.

Assembly bill No. 215, an Act to provide for the payment of certain expenses.

Read a second time, considered in Committee of the Whole, and ordered to a third reading on to-morrow.

The following messages were received from the Governor :

I have, this day, 31st of March, approved the following Acts which originated in the Assembly.

An Act to amend an Act entitled an Act dividing the State into counties, and establishing the seats of Justice therein, passed April 25, 1851.

An Act declaring Mission Creek, in the county of San Francisco, a navigable stream.

Also, an Act to amend an Act concerning the writ of Habeas Corpus, passed April 20, 1850.

Also, an Act to provide for the election of a Justice of the Peace for the town of Santa Clara, and define his jurisdiction.



Also, on the 1st day of April, an Act to create the county of Stanislaus, to define its boundaries, and to provide for its organization.

JOHN BIGLER.

Assembly bill No. 181, an Act concerning the organization of the Militia; on its third reading,

Mr. Myres moved to lay the bill on the table.

Not agreed to.

Mr. Houghtaling moved to indefinitely postpone the bill.

Not agreed to.

Mr. Conness moved to go into Committee of the Whole to consider the bill.

Not agreed to.

Mr. Sweetland moved to adjourn until 12 o'clock to-morrow.

Not agreed to.

Mr. Van Cleft moved to adjourn.

Not agreed to.

On motion of Mr. Van Cleft, the bill was laid upon the table.

Assembly bill No. 209, an Act to protect stock growers from losses by noxious animals.

Referred to Committee on Agriculture.

Mr. Sweetland moved to take from the table Senate Joint Resolutions in relation to mail routes in California.

Not agreed to.

Mr. Tallmadge offered the following, which was adopted :

*Resolved*, That the Secretary of State is hereby requested to furnish the Assembly a copy of the contract with Messrs. Marvin & Hitchcock, for furnishing stationery for the use of the Legislature, &c.

Mr. Sweasey moved to take from the table the special order of the day, which was an Act concerning lawful fences and animals trespassing on lands lawfully enclosed.

Agreed to.

On motion, the House resolved itself into Committee of the Whole, Mr. Van Cleft in the chair, to consider the bill, after spending some time in its consideration, and offering a substitute therefor, '.

On motion, the committee rose, reported the bill and substitute back to the House, and asked to be discharged from the further consideration of the subject.

The committee was discharged.

Mr. Griffith moved to make the bill and substitute the special order for Saturday next.

Not agreed to.

On motion of Mr. Letcher, the bill and substitute were made the special order for 11 o'clock to-morrow in Committee of the Whole House.

On motion of Mr. Springer, the House adjourned until 10 o'clock to-morrow.

## HOUSE OF ASSEMBLY.

WEDNESDAY, April 5, 1854.

House met pursuant to adjournment.

The roll was called, and the following members were absent :

Messrs. Bagley, Ballou, Bowie, Bradford, Clingan, Conness, Cornwall, Dawley, Ewer, French, Gilbert, Godard, Hastings, Henry, Herbert, Hoff, Hoyt, Hubert, Irwin, James, Koll, Letcher, Lindsey, McBrayer, McDuffie, McGee, McKinney, Nichols, F. A. Park, J. W. Park, Rowan, Springer, Stevenson, Sweasey, Sweetland, Tallmadge, and Whitman.

There being no quorum present, Mr. Kellogg moved to adjourn.

Not agreed to.

Mr. Griffith moved a call of the House.

The call was sustained.

The roll was called, and the following members were absent : Messrs. Bagley, Ballou, Bowie, Bradford, Clingan, Cornwall, Dawley, Ewer, French, Gilbert, Godard, Hastings, Henry, Herbert, Hoff, Hoyt, Hubert, Irwin, James, Koll, Letcher, Lindsey, McBrayer, McDuffie, McGee, McKinney, Nichols, F. A. Park, J. W. Park, Rowan, Springer, Stevenson, Sweetland, Tallmadge, and Whitman.

It appearing that a quorum was present,

On motion of Mr. Griffith, further proceedings under the call were dispensed with.

The Journal of Tuesday was read and approved.

On motion, leave of absence was granted to Mr. Koll for four days, Letcher for one day, Lindsey for one day, and Ewer for one day.

Mr. Fairfield presented an affidavit of Wm. N. Walton, praying for relief for services to the State.

Affidavit read and referred to Committee on Claims.

Mr. Ballou, upon leave, introduced a bill for an Act to legalize certain affidavits made before the County Recorders of this State.

Read a first and second time, rules suspended, considered as engrossed, read a third time, and passed.

Mr. Mandeville, from the delegation of Tuolumne, reported back Assembly bill No. 98, for an Act to extend the provisions of an Act for the Protection of Game to the County of Tuolumne, and recommended the passage of the same.

The bill was read a third time and passed.

Mr. F. A. Park made the following report :

The Sacramento Delegation, to whom was referred a bill to fund the floating debt of Sacramento county, have had the same under consideration, and report the same back to the House, and respectfully ask that the bill may pass.

The bill was considered as engrossed, read a third time, and passed.

The following message was received from the Senate :

I am instructed to inform the Assembly, that the Senate passed yesterday the following Assembly Bills :

An Act authorizing the incorporation of the city of San Bernardino.

An Act to incorporate Crescent City, with amendments, as therein shown.

And Assembly Joint Resolutions relative to lands donated to this State by the United States.

All of which is respectfully submitted.

JOHN Y. LIND Secretary.

Amendment made by the Senate to Assembly bill No. 66, to incorporate Crescent City.

Concurred in by the House.

Mr. Stowe moved to take from the table Senate Concurrent Resolution to adjourn *sine die*, and Messrs. Noel, Houghtaling and Stowe demanded the yeas and nays :

YEAS.

Messrs. Anderson, Ashley, Bowie, Burton, Carr, Carrillo, Hagans, Houghtaling, Hunter, Mandeville, McDaniel, McGee, McKinney, Noel, Spencer, Stemmons, Stevenson, Stowe, Tivy, Watkins and Whipple—21.

NAYS.

Messrs. Ballou, Conness, Dannels, Davidson, Fairfield, French, Gilbert, Gordon, Green, Griffith, Hollister, Horr, Hubbard, Hunt, Jones, Kellogg, Musser, Myres, McDonald, O'Neil, F. A. Park, Pratt, Purdy, Ring, Springer, Sweasey, Tallmadge, Van Cleft, Warmcastle and Mr. Speaker—30.

So the House refused to take from the table concurrent resolution to adjourn *sine die*.

On motion of Mr. Conness, the Senate joint resolution in relation to Mail Routes in California was taken from the table, and upon his motion,

The House resolved itself into Committee of the Whole, Mr. O'Neil in the chair, to consider the resolutions.

After spending some time in its consideration, and making amendments thereto,

On motion, the committee rose, reported the resolutions to the House as amended, and asked to be discharged from its further consideration.

The committee was discharged.

The amendments made in Committee of the Whole were concurred in generally by the House.

Mr. O'Neil moved to amend the resolutions by adding other points for mail routes.

Agreed to.

Mr. McDonald moved to amend by adding other points for mail routes.

Agreed to.

Messrs. Musser, O'Neil, Anderson and Springer severally offered amendments to add other routes.

Agreed to.

Resolutions considered as engrossed, read a third time and passed.

Mr. O'Neil, chairman, made the following report :

The Committee on Engrossment have examined and find correctly engrossed,

An Act to authorize the Board of Supervisors of Yolo county to levy a special tax for the payment of the existing debt of said county.

The hour of twelve having arrived, the Speaker announced the special order, which was an Act in relation to State Prison Bonds; on its third reading,

Mr. Conness moved to indefinitely postpone the bill.

Mr. Bradford moved a call of the House.

Call was not sustained.

Mr. Jones moved to lay the bill on the table.

Agreed to.

Mr. Jones moved to adjourn.

Not agreed to.

The hour of 1 o'clock, the Speaker announced the special order for that hour, which was a bill for an Act concerning lawful fences and animals trespassing on lands lawfully enclosed.

On motion, the House resolved itself into Committee of the Whole, Mr. O'Neil in the chair, to consider the bill.

After spending some time in its consideration,

On motion of Mr. Fairfax, the committee rose, reported the bill and substitute back with amendment, recommend that it be made the special order for Monday next, at 1 o'clock, and ask to be discharged from its further consideration.

The committee was discharged.

The bill was made the special order for Monday next, at 1 o'clock.

On motion of Mr. Pratt, the House adjourned until 10 o'clock to-morrow.

## HOUSE OF ASSEMBLY.

THURSDAY, April 6, 1854.

House met pursuant to adjournment.

The roll was called and the following members were absent :

Messrs. Bowie, Clingan, Cornwall, Dannels, French, Gilbert, Griffith, Herbert, Hoff, Irwin, Myres, McBrayer, McDuffie, McKinney, Nichols, F. A. Park and J. W. Park.

The Journal of Wednesday was read and approved.

Mr. Van Cleft moved that the House adjourn to participate with the citizens of Sacramento on the introduction of water into the city, and Messrs. Tallmadge, Ashley and Mandeville demanded the yeas and nays.

YEAS.

Messrs. Anderson, Burton, Carrillo, Conness, Dannels, Dawley, Fairfield, French, Godard, Green, Henry, Hollister, Horr, Houghtaling, Hoyt, Herbert, Jones, Kellogg, Lindsey, Mandeville, Musser, McDonald, McDuffie, McKinney, F. A. Park, Pratt, Purdy, Ring, Rowan, Springer, Stowe, Sweetland, Tallmadge, Van Cleft and Mr. Speaker—35.

NAYS.

Messrs. Ashley, Ballou, Bostwick, Bowie, Bradford, Briggs, Carr, Cornwall, Ewer, Gordon, Hastings, Hunt, Hunter, James, Letcher, McDaniel, McGee, Noel, O'Neil, Spencer, Stemmons, Stevenson, Sweasey, Tivy, Warmcastle, Watkins, Whipple and Whitman—28.

So the House adjourned until 10 o'clock to-morrow.



## HOUSE OF ASSEMBLY.

FRIDAY, April 7, 1854.

House met pursuant to adjournment.

The roll was called, and the following members were absent :

Messrs. Bradford, Carr, Clingan, Dawley, French, Green, Griffith, Herbert, Hoyt, Houghtaling, Hubert, Lindsey, McKinney, Nichols, Purdy and Rowan.

The Journal of Thursday was read and approved.

Mr. Dannels presented a petition from citizens of Yuba county, protesting against any portion of Yuba county being attached to Nevada county.

Petition read and referred to Committee on County Boundaries.

Mr. Tallmadge presented a petition, numerously signed by citizens of El Dorado, praying for the passage of a law to leave the location of the seat of justice of that county to a vote of the people at the general election.

Petition read and referred to Delegation from El Dorado.

Mr. Stevenson presented a petition also from citizens of El Dorado, upon the same subject.

Read and referred to Delegation from El Dorado.

Mr. Watkins, chairman, made the following report :

The Committee on Corporations, have had under consideration the resolution in relation to the Atlantic and Pacific Railroad, and have instructed me to report by bill, which is herewith submitted, an Act to grant the right of way and provide for the construction of an Atlantic and Pacific, and Branch Railways.

Read a first and second time, and 240 copies ordered to be printed.

Mr. Hubbard moved to refer the bill to a Committee of the Whole House, and make it the special order for Friday next at 12 o'clock.

Not agreed to.

Mr. Letcher moved to refer the bill to the Committee on Corporations.

Not agreed to.

Mr. Jones moved to refer the bill to a select committee of five.

Agreed to,

And Messrs. Jones, Sweetland, Letcher, Rowan and McDaniel were appointed said committee.

Mr. Hubert made the following report :

The Judiciary Committee have had under consideration Assembly bill, No. 221, entitled an Act prescribing duties to County Clerks, and herewith report the same to the House, recommending its passage.

The above bill on its third reading read a third time and did not pass.

The following message was received from the Senate :

I am instructed to inform the Assembly, that the Senate passed, yesterday, Assembly bill for an Act explanatory of an Act entitled an Act to incorporate the city of Los Angeles, approved April 4, 1850, and Assembly bill for an Act to provide for the erection of Public Buildings in the county of Napa.

Also, the following Senate bills for an Act supplementary to an Act to exempt

Firemen from Militia Service and Jury Duty, passed March 25, 1853 ; and for an Act in respect to Insurance for Lives for the benefit of Married Women.

All of which is respectfully submitted.

JOHN Y. LIND,  
Secretary.

Senate bill, No. 116, above reported, an Act supplementary to an Act to exempt Firemen from Militia Service and Jury Duty, passed March 25, 1853.

Read a first and second time, and referred to Judiciary Committee.

Senate bill, No. 77, for an Act in respect to Insurance for Lives for the benefit of Married Women.

Read a first and second time, and referred to Judiciary Committee.

Special order for this day, at 11 o'clock, an Act to amend an Act to provide for the Public Printing, passed April 29, 1852, taken up for consideration.

On motion, the House resolved itself into Committee of the Whole, Mr. O'Neil in the chair, to consider the bill ; after spending some time in its consideration, the committee rose, reported the bill back which had been agreed upon in Committee of the Whole, and asked leave to sit again.

Leave granted to sit again.

Mr. Sweetland moved to adjourn.

Not agreed to.

Mr. Ballou moved to take a recess until 7 o'clock this evening.

Not agreed to.

Mr. Tivy, chairman, made the following report :

The Committee on Enrolled Bills have examined, and find correctly enrolled, the following Act, viz : An Act authorizing the Mayor and Common Council of the city of Sacramento to issue city bonds for certain purposes.

On motion of Mr. Van Cleft, the House adjourned until 10 o'clock to-morrow.

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## HOUSE OF ASSEMBLY.

SATURDAY, April 8, 1854.

House met pursuant to adjournment.

The roll was called and the following members were absent :

Messrs. Bagley, Bennett, Bowie, Clingan, Cornwall, Fairfield, French, Griffith, Herbert, Hoff, Hubert, Irwin, Lindsey, Myres, McBrayer, McKinney, Nichols, J. W. Park, Rowan, Stevenson, Tallmadge and Whitman.

The Journal of Friday was read, amended and approved.

On motion, one week, absence was granted to Mr. Lindsey ; to Mr. Stevenson three days ; and to Mr. Griffith indefinite leave, in consequence of ill health.

On motion of Mr. Conness, the House resolved itself into Committee of the Whole, Mr. O'Neil in the chair, to consider the bill to create the office of State

Printer, and to define his duties; after spending some time in its consideration, and making amendments thereto,

On motion, the committee rose, reported the bill back as amended, and asked to be discharged from its further consideration.

The committee was discharged.

Mr. Fairfax offered a substitute to second section, to change the time of election of State Printer from '54 to 1855.

Mr. Bradford moved a call of the House.

The call was sustained.

Mr. Van Cleft moved to dispense with further proceedings under the call.

Not agreed to.

The roll was called and the following members were absent:

Messrs. Ashley, Bennett, Bostwick, Briggs, Clingan, Cornwall, French, Green, Henry, Hunt, McKinney and Warmcastle.

The Sergeant-at-Arms was dispatched after absent members.

Mr. Warmcastle was admitted within the bar of the House and excused.

Mr. Fairfax moved to dispense with further proceedings under the call.

Agreed to.

Upon the adoption of the amendment offered by Mr. Fairfax, Messrs. Bradford, Carrillo and McDuffie demanded the yeas and nays.

Mr. Bagley demanded the previous question.

Not agreed to.

The yeas and nays were then taken upon the adoption of the amendment offered by Mr. Fairfax.

#### YEAS.

Messrs. Ashley, Bagley, Ballou, Bostwick, Conness, Dannels, Davidson, Dawley, Fairfield, Gilbert, Godard, Griffith, Hoff, Hollister, Horr, Hoyt, Hubbard, Irwin, Jones, Kellogg, Koll, Musser, Myres, McBrayer, McDonald, Nichols, O'Neil, Pratt, Purdy, Ring, Rowan, Spencer, Springer, Sweasey, Tallmadge, Van Cleft and Mr. Speaker—37.

#### NAYS.

Messrs. Anderson, Bennett, Bowie, Bradford, Carr, Carrillo, Ewer, Gordon, Hagens, Hastings, Henry, Herbert, Houghtaling, Hunter, James, Letcher, Mandeville, McDuffie, McDaniel, McGee, Noel, J. W. Park, Stemmons, Stowe, Sweetland, Tivy, Warmcastle, Watkins, Whipple and Whitman—30.

So the amendment was adopted.

Mr. Myres offered an amendment to the third section, requiring the President of the Senate and Speaker of the Assembly to give a certificate to the State Printer elected by the present Legislature.

Amendment adopted.

Mr. Herbert offered the following as a proviso to the third section,

"Provided that the State Printing shall be executed at the rates, and under the provisions of this Act by V. E. Geiger, until the said State Printer shall be qualified and enter upon the duties of his office."

Messrs. Bradford, McDuffie and Hunter demanded the yeas and nays.

#### AYES.

Messrs. Anderson, Bennett, Bowie, Bradford, Burton, Carr, Carrillo, Ewer, Gordon, Hagens, Hastings, Henry, Herbert, Houghtaling, Hunter, Mandeville, Myres

Duffie, McDaniel, McGee, Noel, J. W. Park, Stemmons, Stowe, Sweetland, y, Warmcastle, Watkins and Whitman—30.

NAYS.

Messrs. Ashley, Bagley, Ballou, Bostwick, Conness, Dannels, Davidson, Dawley, arfield, Gilbert, Godard, Griffith, Hoff, Hollister, Horr, Hoyt, Hubbard, Irwin, es, Kellogg, Koll, Letcher, Musser, McBrayer, McDonald, Nichols, O'Neil, att, Purdy, Ring, Rowan, Spencer, Springer, Sweasey, Tallmadge and Van Cleft 36.

So the amendment was not adopted.

Mr. Tallmadge offered a substitute to section four of the bill, which was adopted.

Mr. Conness moved to concur generally in the amendments made in Committee the Whole.

Agreed to.

Mr. Bostwick moved to strike out sections 15 and 16 of the bill.

Agreed to.

Mr. Tallmadge offered an amendment to the third line of 14th section, in refer- e to a fund for the pay of printing. Agreed to.

The bill was then considered as engrossed, read a third time and passed.

Mr. Tivy, chairman, made the following report :

The Joint Committee on Enrolled Bills report, that on yesterday, the 7th inst., y presented to his Excellency, the Governor, for his approval, an Act authorizing Mayor and Common Council of the city of Sacramento to issue bonds for certain rposes ;

And that they have examined, and found correctly enrolled Joint Resolutions ative to lands donated to this State by the United States.

Mr. O'Neil, chairman, made the following report :

The Committee on Engrossment have examined, and find correctly engrossed, an et creating a Board of Commissioners and the office of Overseer in each township the several counties therein named, to regulate water courses, within their re- ctive limits.

Also, an Act to legalize certain affidavits made before the County Recorders of a State.

Also, an Act to Fund the Floating Debt of Sacramento county, and to provide the payment of the same.

The following message was received from the Governor :

EXECUTIVE DEPARTMENT, }  
Sacramento City, April 8, 1854. }

*to the Senate and Assembly of California :*

After careful examination, I deem it my duty to direct the attention of the Legis- ture to the several Acts on the Statute book, concerning corporations, and more rticularly, to the chapter in relation to the formation of Steam Navigation Com- nies.

The evils which may result from the passage of laws, under which powerful onopolies can be organized, are considered of such magnitude as not only to jus- y, but require a careful revision of all past legislation on the subject, with a view supplying the restrictions and limitations necessary for the protection of public ghts and interests.



The fact that companies have been organized and exist under the Acts before passed, it is proper to state, does not interfere in the least, with the right of the Legislature either to amend, or repeal any or all of them.

The thirty-first section of the fourth article of the Constitution, provides for formation of Corporations, under general laws, and that "all general laws special Acts, passed pursuant to this section may be *altered*, from time to time *repealed*." And the thirtieth section of the Act of 1850, under the head "General Provisions" authorizes the Legislature at any time, "to *repeal* the and *dissolve* all Corporations created under it."

The right of the Legislature to amend or repeal the several existing laws concerning Corporations, must therefore, be conceded—and that they require revision, believed, will be admitted by all after careful examination.

In the formation of laws authorizing the organization of companies, the man interests of the public should be carefully guarded, either by fixing reasonable rates in the Act itself, or by vesting the power to prevent exorbitant charges upon commerce and travel, in the courts, to be exercised whenever necessary.

The existing corporation laws, in fact, are all more or less defective, and require careful modification, so as to fully protect the public against unreasonable exactions.

Comparatively but few companies have, as yet, been organized under the existing laws; and all the modifications, necessary for the security of public interests, to relieve the people from the oppressive exactions of existing monopolies, can be made without material interference with the rights or interests of any portion of our citizens.

The Act authorizing the formation of "Steam Navigation Companies," and Act of April 14, 1853, so far as it relates to the organization of Corporations for the purpose of engaging in any species of trade or commerce, foreign or domestic, are loose and vague in their terms, and contain no provisions protecting the public against unreasonable charges for travel or freight.

The thirty-third section of the Act authorizing the formation of Railroad Companies, approved April 22, 1853, provides that "it shall be unlawful for the Corporation, its officers or employees, to charge more than twenty cents per mile for a passenger, and sixty cents per mile for each ton of freight," and for every transgression of such limitation, the Corporation shall be liable to the party suffering therefrom, to pay treble the entire amount of freight charged to the party; and further, that "any reduction below the rates above mentioned, shall be left entirely to the decision and control of the Corporation itself."

This Act, it is true, fixes charges which cannot be *exceeded*, but it also provides that the power of *reducing* them can *only* be exercised by the Corporation itself, thus leaving the people without remedy against exorbitant exactions.

The charges allowed in the section above referred to, it will be observed, are enormously high: and were the same rates applied to the Pacific Railroad, passage to the Missouri line, computing the distance at twenty-five hundred miles, would cost five hundred dollars; and each ton of freight fifteen hundred dollars—yet the charges are permitted to be exacted under the existing law, and their reduction placed *solely* in the discretion of the Corporation itself.

Experience has demonstrated the necessity of incorporating in all Acts, authorizing the formation of corporate companies, such restrictions and limitations as to render them, in the exercise of the privileges granted, beneficial, and not detrimental, to the prosperity of the whole people. It has been well said that "there are no necessary evils in government;" and that "evils only exist in its abuses." That in "the full enjoyment of the gifts of Heaven, and the fruits of superior skill, industry and economy, and every man is equally entitled to protection by law; but when laws are so framed as to add to these natural and just advantages, by granting exclusive privileges, which make the rich richer, and the potent more powerful, the humbler members of society, who have neither the time nor the means of securing

favors to themselves have a right to complain of the injustice of the govern-

dustry and enterprise, unaided by the special privileges enjoyed by Corpora- have in a few years made California, in many important respects, superior to of the older States of the Confederacy. To continue her prosperity, and deve- with sufficient rapidity her mighty resources, it is only necessary to give the e wholesome general laws for the protection of person and property, and to nt monopolies from controlling the main sources of her wealth, as well as the ipal avenues of trade and travel.

nder enactments, such as now exist upon our own statute book, monopolies of ost oppressive character have grown up in most of the States of the Union, become so powerful as almost to defy legislative authority, and sufficiently po- o seriously interfere with the rights and interests of the people.

ifornia, as yet, has suffered, comparatively, but little from the exactions of polies organized under the laws; but it is nevertheless true, that the merchants eral points in the north have held public meetings, and subscribed means for urchase of steamers to be controlled by themselves, as the only mode of escaping nreasonable exactions of an existing monopoly.

icious modifications, however, can now be made, which will not only effect nt good, but for ever preserve the people of California from the evils which ously oppress the people of other sections of this great Confederacy.

nder our Government, where the masses have the right and the power to pre- e the kind and character of laws by which they are to be governed, it should be ndeavor, as it is the duty, of the Representative so to frame enactments as to et their interests from being trampled upon by corporations organized for the mpishment of objects beyond the means of individual enterprise. In fact, legis- should ever have in view the protection and prosperity of industry; and while ng within our borders capital and enterprise, by all lawful and proper induc- s should so surround them with checks and limitations, as to prevent them being nstruments of extortion and oppression.

e interests of the great body of the people of California are identified with and opposed to extending the influence of government to the advancement of w at the expense of the many.

may, however, be urged, that were the restrictions proposed incorporated in the al Acts concerning corporations, capitalists, instead of availing themselves of enefits of existing laws, would form combinations for the purpose of evading restrictions.

is a sufficient answer to this objection to state, that under the common law, all ns connected with such combinations would be liable to indictment and prose- n as "conspirators against the public good."

his point, the common law is clearly laid down by a learned Chief Justice as s: "A combination is criminal, whenever the act to be done has a necessary ey to *prejudice* the public, or to *oppress* individuals by unjustly subjecting to the power of the confederate, and giving effect to the purposes of the latter, her of *extortion* or mischief."

ain, "combinations may be oppressive by compelling the public to give *more* n article of necessity or convenience than it is worth, or on the other hand, of elling the labor of a mechanic for *less* than its value."

e Act authorizing the incorporation of steam navigation companies, grants im- nt privileges, but imposes no restriction whatever in the exercise of a vast and sive power, the tendency and effect of which must be to prevent lawful and ble competition in an exclusive and lucrative department of internal commerce ade.

would, therefore, respectfully call your attention to the omission and defects of xisting laws concerning Corporations, and especially recommend that the seve- ts authorizing the incorporation of railroad, steam navigation, stage, plank

road and turnpike companies, be so restricted in their provisions, as to protect people against exorbitant and unreasonable charges for travel, or the transportation of freight.

JOHN BIGLEY

The message was read, 240 copies ordered to be printed, and referred to a special committee of five.

Messrs. Hoff, Conness, Van Cleft, Stowe, and Bowie, were appointed said committee.

Mr. Conness moved to adjourn, and Messrs. Herbert, Bradford and Whipple seconded the yeas and nays :

AYES.

Messrs. Ballou, Bostwick, Conness, Dannels, Davidson, Dawley, Fairfield, Herbert, Godard, Griffith, Hoff, Hoyt, Hubbard, Irwin, Kellogg, Myres, McBray, McDonald, O'Neil, Pratt, Purdy, Ring, Rowan, Springer, Sweasey, Tallman, Van Cleft and Mr. Speaker—28.

NAYS.

Messrs. Anderson, Ashley, Bennett, Bradford, Briggs, Burton, Carr, Carver, Gordon, Hagans, Hastings, Henry, Herbert, Horr, Houghtaling, James, J. Koll, Letcher, Mandeville, Musser, McDuffie, McDaniel, J. W. Park, Speer, Stemmons, Stowe, Sweetland, Tivy, Warmcastle, Watkins, Whipple and Whitman.

So the House refused to adjourn.

Mr. Herbert gave notice that he would move, on Monday next, to reconsider the vote of to-day which passed the printing bill.

On motion of Mr. McBrayer, the House adjourned until 10 o'clock, on Monday next.

## HOUSE OF ASSEMBLY.

MONDAY, April 10, 1859

House met pursuant to adjournment.

The roll was called, and the following members were absent :

Messrs. Bagley, Ballou, Bradford, Cornwall, French, Green, Herbert, Hoff, Hubert, Lister, Houghtaling, Hubert, Irwin, Myres, McDuffie, McKinney, Nichols, Park, J. W. Park, Rowan, Whitman and Mr. Speaker.

The Journal of Saturday was read and approved.

On motion, leave of absence was granted to Mr. Houghtaling for two days, to Mr. Green for two days, to Mr. Ballou for one day, and to Mr. Hollister for one day.

Mr. Letcher made the following majority report :



Your committee to whom was referred an Act to establish and regulate Common Schools, &c., would report,

That the existing school law is badly arranged, complicated, and somewhat conflicting, while it should be plain and precise. It omits several important provisions, and includes some objectionable features; it allows obscurely what ought, perhaps, to be clearly prohibited; and Common Schools being our anchor of hope, should be fostered by our best attainable laws, freed from destructive elements, and untrammelled by dangerous innovations lately introduced.

The Act under consideration is well arranged, carefully digested, and briefly expressed. It gives to each school district its own officers, provides for the election of a Superintendent of Schools in the more populous counties, and in the rest imposes the duties of that office on the County Recorder; it assures the fidelity of officers by requiring the oath of office and exacting official bonds; simplifies the management of affairs, and it is believed will induce a more vigorous and extended system of education.

Your committee recommend the adoption of the proposed amendments and the passage of the Act.

CORNWALL,  
LETCHER,  
HENRY,  
GREEN,  
WM. C. PRATT,  
FAIRFIELD,  
ASHLEY.

Mr. Carrillo made the following minority report:

I, the undersigned member of the Committee on Education, beg leave to submit the following minority report:

Having had under consideration the School bill submitted by Mr. Ashley and Major Stemmons, and referred to the Committee on Education, I am of the opinion that the sectarian clause of Mr. Ashley's bill is not in accordance with the true policy of the State with regard to public education.

I do not perceive the necessity of excluding any school district from a participation in the school revenue, providing the inhabitants of the same desire to employ a teacher of any particular form of religious belief, nor do I think that the cause of education will be subserved by making any enactments in relation to this subject.

Schools, like religious worship, should be left free to the inhabitants; and whatever is left to the good sense of a community, to be effected by its regulations, cannot be radically wrong.

The undersigned, therefore, is of the opinion that the School Law, as it at present exists, with the amendments prepared by Major Stemmons, is in accordance with the spirit of our institutions and laws, and that any changes materially different from this will operate as a hardship to a large portion of the citizens of California, and be subversive of that free religious liberty vouchsafed to us all under the glorious Constitution of the United States.

Education, like religion, should not be submitted or subservient to stringent enactment, but be left, in a measure, free and under the control of districts or communities, and is not, in the opinion of the undersigned, a subject of too refined and precise regulation. Our present school organization and its operation, under the law, has worked well during the past two years, and I do not see the necessity of making any material changes in it. Under its provisions schools have been organized in almost every county in the State, a school fund of between four and five hundred thousand dollars has accumulated, and by the Superintendent's report, near fifty thousand dollars of revenue was distributed on the first day of last January for the support of schools. I do not see the necessity of changing a system that has hith-



erto worked so well, and I therefore recommend that no changes be made, except the additions before alluded to, which I conceive to be adequate to all the educational exigencies which can arise.

All of which is respectfully submitted.

PEDRO C. CARRILLO.

Assembly bill No. 142, above reported, an Act to establish and regulate Common Schools, and to repeal former Acts concerning the same.

On its third reading, made the special order for Wednesday next at 11 o'clock.

Mr. Tivy made the following report:

The Committee on Public Lands, to whom was referred Joint Resolutions in relation to the Mineral and other Public Lands of this State, have had the same under consideration, and recommend that they be indefinitely postponed.

They have also considered Joint Resolutions in relation to an Act of Congress concerning private land claims in the State of California, with amendments, and recommend their passage as amended.

Joint Resolution, No. 52, above reported,

On motion, laid upon the table.

Joint Resolution, No. 194, in relation to an Act of Congress concerning private land claims in the State of California.

A motion, made by Mr. Sweasey, to make it the special order for Friday next at 12 o'clock noon.

Not agreed to.

Mr. Conness moved to lay the resolution on the table.

Not agreed to.

The amendments offered by the committee were concurred in.

Resolutions read a third time and passed.

Mr. Herbert, chairman, made the following report:

The Committee of Ways and Means, to whom was referred Senate bill No. 93, for an Act to repeal an Act entitled an Act to authorize the Treasurer of the State to make special deposits, passed May 4, 1852, have had the same under consideration, and beg leave to report it back to the House, and recommend its passage.

They have also had under consideration Assembly bill No. 177, entitled an Act to amend an Act entitled an Act concerning the Salaries of Officers and Members of the Legislature, passed May 11, 1852, and ask leave to report the same back to the House, and recommend its passage.

Also, Assembly bill No. 90, entitled an Act explanatory of the seventh section of an Act to provide for the sale of the interest of the State of California in the property within the water line front of the city of San Francisco, as defined in and by the Act entitled an Act to provide for the disposition of certain property of the State of California, passed March 26, 1851, have had the same under consideration, and ask leave to report the same back to the House, and recommend that it do not pass.

Also, Assembly bill No. 165, entitled an Act to relinquish to the County of Colusi that portion of the tax due the State by Samuel A. Morrison, on a Spanish grant in that county, and authorize the Court of Sessions to enter into a contract with said Morrison for the building of a bridge in satisfaction of said tax, have had the same under consideration, and ask leave to report the same back to the House, and recommend that it do not pass.

Senate bill No. 93, above reported, on its third reading.

Read a third time, and on its final passage, Messrs. Herbert, Mandeville and James demanded the yeas and nays.

## YEAS.

Messrs. Anderson, Bagley, Bennett, Bostwick, Bowie, Briggs, Burton, Carr, Carrillo, Clingan, Davidson, Dawley, Ewer, Godard, Hagans, Hastings, Henry, Herbert, Hunt, Hunter, James, Jones, Letcher, Mandeville, Myres, McBrayer, McDuffie, McDaniel, Noel, O'Neil, F. A. Park, J. W. Park, Rowan, Spencer, Stemmons, Stowe, Sweetland, Van Cleft, Warmcastle, Watkins, Whipple, Whitman and Mr. Speaker—43.

## NAYS.

Messrs. Ashley, Ballou, Bradford, Conness, Dannels, Fairfield, Gilbert, Griffith, Hoff, Horr, Hoyt, Hubbard, Hubert, Irwin, Kellogg, Koll, Musser, McDonald, Pratt, Purdy, Ring, Springer, Sweasey and Tallmadge—24.

So the bill passed.

Mr. Bagley gave notice that he would move, on to-morrow, to reconsider the vote just taken.

Assembly bill No. 177, reported back by Committee of Ways and Means, an Act to amend an Act entitled an Act concerning the Salaries of Officers and Members of the Legislature, passed May 11, 1852.

Read a third time, and on its final passage, Messrs. Ashley, Stowe and Hoyt demanded the yeas and nays :

## YEAS.

Messrs. Anderson, Ballou, Bradford, Briggs, Conness, Dannels, Davidson, Dawley, Fairfield, Gilbert, Godard, Griffith, Hoff, Horr, Hoyt, Hubbard, Hubert, Irwin, Jones, Kellogg, Koll, Myres, McBrayer, McDonald, F. A. Park, Pratt, Purdy, Ring, Rowan, Spencer, Springer, Sweasey, Sweetland, Tallmadge, Van Cleft, and Mr. Speaker—35.

## NAYS.

Messrs. Ashley, Bennett, Bowie, Burton, Carr, Carrillo, Clingan, Ewer, Hagans, Hastings, Henry, Herbert, Hubert, Hunter, James, Letcher, Mandeville, Musser, McDuffie, McDaniel, Noel, O'Neil, J. W. Park, Stemmons, Stowe, Tivy, Warmcastle, Watkins, Whipple and Whitman—30.

So the bill passed.

Mr. Kellogg moved to reconsider the vote just taken.

Mr. Godard moved to indefinitely postpone the motion to reconsider, and Messrs. Hunter, Stemmons and Bennett demanded the yeas and nays :

## YEAS.

Messrs. Anderson, Ballou, Briggs, Conness, Dannels, Davidson, Dawley, Fairfield, Gilbert, Godard, Griffith, Hoff, Horr, Hoyt, Hubbard, Hubert, Irwin, Jones, Kellogg, Koll, Myres, McDonald, F. A. Park, Pratt, Purdy, Ring, Rowan, Spencer, Sweasey, Sweetland, Tallmadge and Van Cleft—32.

## NAYS.

Messrs. Ashley, Bennett, Bowie, Bradford, Burton, Carr, Carrillo, Clingan, Ewer, Hagans, Hastings, Henry, Herbert, Hunter, James, Letcher, Mandeville, Musser, McDuffie, McDaniel, O'Neil, J. W. Park, Stemmons, Stowe, Tivy, Warmcastle, Watkins, Whipple, Whitman and Mr. Speaker—33.

So the House refused to indefinitely postpone.

Mr. Herbert moved to lay the motion to reconsider on the table, and Messrs. Griffith, Dawley, and Tallmadge demanded the yeas and nays.

YEAS.

Messrs. Ashley, Ballou, Bennett, Bowie, Bradford, Burton, Carr, Carrillo, Clingan, Conness, Dannels, Davidson, Ewer, Fairfield, Godard, Hagans, Hastings, Henry, Hubert, Hoff, Horr, Hoyt, Hubbard, Hubert, Hunt, Hunter, James, Koll, Letcher, Mandeville, Musser, Myres, McDonald, McDuffie, McDaniel, Noel, F. A. Park, J. W. Park, Pratt, Springer, Stowe, Sweetland, Tallmadge, Tivy, Warmcastle, Whipple and Whitman—47.

NAYS.

Messrs. Anderson, Bagley, Briggs, Dawley, Gilbert, Griffith, Irwin, Jones, Kellogg, McBrayer, O'Neil, Purdy, Ring, Rowan, Spencer, Stemmons, Sweasey, Van Cleft, Watkins and Mr. Speaker—20.

So the motion was laid on the table.

Mr. Mandeville gave notice that on to-morrow he would move to reconsider the vote which laid the motion to reconsider on the table.

On motion, leave of absence was granted to Messrs. McKinney and French for one day; and to Mr. Cornwall for one week.

Assembly bill No. 165, an Act to relinquish to the county of Colusi that portion of the tax due the State by Samuel A. Morrison on a Spanish grant in that county, for certain purposes, for the building of a bridge.

Read a third time.

Mr. Bagley moved to reconsider the third reading of the bill.

Agreed to.

Mr. Bagley moved to amend the bill by a proviso that the bridge to be built should be a free bridge,

Agreed to.

Bill read a third time; and upon its passage Messrs. Dawley, Tallmadge and Conness demanded the yeas and nays.

YEAS.

Messrs. Ashley, Bagley, Bennett, Bowie, Bradford, Briggs, Carr, Carrillo, Dannels, Gilbert, Griffith, Hagans, Henry, Herbert, Horr, Hunt, Hunter, Irwin, Letcher, Musser, McDuffie, Spencer, Stemmons, Stowe, Tivy, Watkins, Whitman and Mr. Speaker—28.

NAYS.

Messrs. Anderson, Ballou, Burton, Clingan, Conness, Davidson, Dawley, Ewer, Fairfield, Godard, Hoff, Hoyt, Hubert, Jones, Kellogg, Koll, Mandeville, Myres, McDonald, McDaniel, Noel, O'Neil, F. A. Park, J. W. Park, Pratt, Purdy, Springer, Sweasey, Sweetland, Tallmadge and Van Cleft—31.

So the bill did not pass.

Mr. J. W. Park gave notice that on to-morrow he would move to reconsider the vote which refused to pass Assembly bill No. 165.

Assembly bill No. 90, an Act explanatory of the seventh section of an Act to provide for the sale of the interest of the State of California in the property within the water line front of the city of San Francisco, as defined in and by the Act entitled an Act to provide for the disposition of certain property of the State of California,



passed March 26, 1851, reported by the Committee of Ways and Means.

On motion, laid on the table.

Mr. Hoff made the following report :

Your Committee on Claims have had under consideration an Act for the relief of Wm. N. Walton, and most respectfully recommend its passage.

They have also attentively considered the petition of B. F. Bradford, claiming the sum of forty-one hundred and twelve dollars and fifty cents (\$4112 50) as pay for provisions furnished the emigrants in Carson Valley during the year 1850 ; after a careful investigation, it appears from the evidence submitted to your committee, that the petitioner projected his enterprise for the purpose of speculation ; they are, therefore, of the opinion that the prayer of the petitioner be not granted.

Senate bill No. 13, above reported, under consideration.

On motion, the House resolved itself into Committee of the Whole, Mr. Mandeville in the chair, to consider the bill. After spending some time in its consideration, the committee rose, reported the bill back, and asked to be discharged from its further consideration.

The committee was discharged.

The bill was read a third time and passed.

On motion of Mr. Fairfax, the special order set for this day was further postponed.

Mr. Tivy, chairman, made the following report :

The Joint Committee on enrolled bills have examined and find correctly enrolled, joint resolutions relative to mail routes in the State of California.

Mr. James made the following report :

The committee on part of the Senate and Assembly to propose amendments to the Constitution, and to whom have been referred various propositions to change that instrument, respectfully report the accompanying amendments and earnestly recommend their adoption.

A. C. BRADFORD,

Chairman Assembly Com.

JOHN C. JAMES,

JOSEPH S. WATKINS,

JAMES O'NEIL.

JAMES COFFROTH,

Chairman Senate Com.

CHARLES H. BRYAN,

JAMES H. WADE.

Mr. Godard, from Select Committee, reported back Senate bill, No. 76, for an Act to authorize the Court of Sessions of the counties of San Joaquin and Tuolumne to levy and collect a special tax for the support and maintenance of the indigent sick of said counties, with amendments to strike from the provisions of the bill, the county of San Joaquin. Agreed to.

The bill was read a third time and passed.

The following message was received from the Governor :

I have this day approved the following Joint Resolution which originated in the Assembly, viz : Joint Resolution, relative to lands donated to this State by the United States.

JOHN BIGLER.

The following message was received from the Senate :

I am instructed to inform the Assembly that the Senate passed this day a Concurrent Resolution authorizing the Judiciary Committees of both Houses to act jointly on all bills relating to an Act to regulate proceedings in civil cases.

Which is herewith respectfully presented.

JOHN Y. LIND, Secretary.

Concurrent Resolution, above reported concurred in by the Assembly.

The following message was also received from the Senate :



I am directed to inform the Assembly, that the Senate passed, this day, a bill for an Act to amend an Act to establish Pilots and Pilot regulations for the Port of San Francisco, passed February 25, 1850.

Respectfully,

JOHN Y. LIND, Secretary.

Senate bill, No. 113, above reported.

Read a first and second time, and referred to Committee on Commerce.

Mr. Herbert moved to re-consider the vote agreeable to notice, which passed the Printing Bill on Saturday last.

Mr. Myres objected to Mr. Herbert making his motion, because he (Herbert) was not present when the bill passed.

The Speaker decided that he could not go behind the Journal, that objection should have been made at the time the notice was given, and decided the motion of Mr. Herbert in order, from which decision Mr. Myres appealed.

The question was then put, "shall the decision of the Chair be the judgment of the House?" and Messrs. Dawley, Conness and McDonald, demanded the yeas and nays.

#### YEAS.

Messrs. Anderson, Bennett, Bowie, Bradford, Burton, Carr, Carrillo, Clingan, Ewer, Hagans, Hastings, Herbert, Hoff, Horr, Hubert, Hunter, Irwin, McDuffie, Noel, J. W. Park, Spencer, Stemmons, Stevenson, Stowe, Sweetland, Tivy, Warmcastle, Watkins, Whipple and Whitman—30.

#### NAYS.

Messrs. Ashley, Bagley, Ballou, Briggs, Conness, Dannels, Davidson, Dawley, Fairfield, Gilbert, Godard, Griffith, Hoyt, Hubbard, Hunt, Kellogg, Koll, Letcher, Musser, McBrayer, McDonald, F. A. Park, Pratt, Purdy, Ring, Springer, Sweasey, Tallmadge and Van Cleft—30.

There being an equal number of votes, the Speaker voted in the affirmative, and the decision of the chair was sustained.

Mr. Herbert moved a call of the House, and Messrs. Carrillo McDonald and Springer demanded the yeas and nays.

#### YEAS.

Messrs. Anderson, Bennett, Bowie, Bradford, Burton, Carr, Carrillo, Gordon, Hagans, Hastings, Hoff, Hunter, Mandeville, McBrayer, McDuffie, McDaniel, Noel, Stevenson, Tivy, Warmcastle, Watkins and Whitman—22.

#### NAYS

Messrs. Ashley, Bagley, Ballou, Briggs, Clingan, Conness, Dannels, Davidson, Dawley, Ewer, Fairfield, Gilbert, Godard, Griffith, Henry, Hoff, Horr, Hoyt, Hubbard, Hunt, Irwin, Jones, Kellogg, Koll, Letcher, Musser, Myres, McDonald, O'Neil, F. A. Park, J. W. Park, Pratt, Purdy, Ring, Rowan, Spencer, Springer, Stemmons, Sweasey, Sweetland, Tallmadge, Whipple and Mr. Speaker—43.

So the call was not sustained.

The question was then taken upon the motion to re-consider, and Messrs. Mandeville, Tallmadge and Bradford demanded the yeas and nays.

## YEAS.

Messrs. Anderson, Bennett, Bowie, Bradford, Burton, Carr, Carrillo, Clingan, Ewer, Gordon, Hagans, Hastings, Herbert, Hunter, Mandeville, McDuffie, McDaniel, Noel, J. W. Park, Stemmons, Sweetland, Tivy, Warmcastle, Watkins and Whipple—26.

## NAYS.

Messrs. Bagley, Ballou, Conness, Dannels, Davidson, Dawley, Fairfield, Gilbert, Godard, Griffith, Hoff, Horr, Hoyt, Hubbard, Hunt, Irwin, Jones, Kellogg, Koll, Letcher, Musser, Myres, McBrayer, McDonald, O'Neil, F. A. Park, Pratt, Ring, Rowan, Spencer, Springer, Sweasey, Tallmadge and Mr. Speaker—34.

So the House refused to consider the vote.

The following message was also received from the Senate :

I am directed to inform the Assembly that the Senate passed, on yesterday, a bill for an Act to authorize the Treasurer to issue duplicate Land Warrants to John D. Brower.

Also, Assembly bill, No. 184, an Act to fix the compensation of County Judges and Associate Justices of the Court of Sessions, and to repeal a like Act, passed May 27, 1853; and an Act to fix the salary of the Judge, of Placer county, approved May 28, 1853, with amendments as therein shown, to which they ask the concurrence of the Assembly.

Respectfully,

JOHN Y. LIND, Secretary.

Senate bill No. 118, an Act to authorize the Treasurer to issue duplicate Land Warrants to John D. Brower.

Read a first time.

Assembly bill No. 184, above reported :

The House refused to concur in Senate amendments, and appointed a Committee of Conference, Messrs. Conness, Irwin and Carr on the part of the House.

The following message was also received from the Senate :

I am instructed to inform the Assembly that, on Saturday last, the Senate passed the accompanying bill for an Act to repeal an Act entitled an Act to provide for the appointment of a Guager for the Port of San Francisco, approved May 3, 1852.

Submitted respectfully,

JOHN Y. LIND, Secretary.

Senate bill No. 12, above reported, read a first time.

The following message was also received from the Senate :

I am instructed to inform the Assembly, that the Senate passed, this day, Assembly bill No. 216, for an Act to Fund the Floating Debt of Sacramento county, and to provide for the payment of the same, which is herewith respectfully returned.

JOHN Y. LIND, Secretary.

On motion of Mr. Conness, Assembly bill No. 192, an Act to locate the county seat of El Dorado county, was taken from the table.

Mr. Briggs offered an amendment by striking out all after the enacting clause, and inserting a substitute for the whole bill.

Mr. Stevenson moved to strike out all that part of the amendment of Mr. Briggs relative to public buildings. Not agreed to.

Mr. Tallmadge moved to strike out the words, "the greatest number of votes," and insert "a majority of the votes cast," in the third line of third section of the substitute.

Not agreed to.

The amendment of Mr. Briggs was then adopted, and the bill considered engrossed, read a third time and passed.

Mr. Conness offered the following amendment to the title of the bill, which was adopted: strike out all after the words "an Act," and insert "to submit the question of the removal of the county seat of El Dorado county to the voters thereof."

Mr. Purdy gave notice that, at an early day, he would introduce a bill for the better protection of game.

Mr. Ewer gave notice that he would on to-morrow, introduce a bill to give jurisdiction to the Courts of Plumas county in certain cases.

Also, a bill to confer jurisdiction upon the several District Courts of this State in certain cases.

Mr. Myres gave notice that, as early as he can, he will move to amend the first, second and twenty-second rules of this House, in the following manner.

Amend Rule 1, by striking out "10," and inserting 11.

Amend Rule 2, by inserting between the third and fourth lines the words:

"2d. Notices and introduction of bills," and changing their marginal numbers consecutively.

Amend Rule 22, by striking out the word "unanimously," and inserting in lieu thereof the words, "*by a two thirds vote.*"

Mr. Bagley gave notice that, at an early day, he would introduce a bill for an Act creating in the county of San Francisco the office of Fire Coroner.

Mr. Van Cleft gave notice that, on to-morrow, he would introduce a bill to amend section seventh of an Act concerning the office of Surveyor General.

Mr. Clingan gave notice that, on to-morrow, he would introduce a bill to amend an Act to provide for the permanent location of the seats of Justice of the counties in this State.

On motion of Mr. Springer, the House adjourned until 10 o'clock, to-morrow.

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## HOUSE OF ASSEMBLY.

TUESDAY, April 11, 1854.

House met pursuant to adjournment.

The roll was called, and the following members were absent:

Messrs. Bagley, Bostwick, Briggs, Clingan, French, Gilbert, Godard, Griffith, Herbert, Hoff, Horr, Hoyt, Irwin, Lindsey, Musser, McDuffie, McGee, Nichols, F. A. Park, J. W. Park, Stevenson, Van Cleft, Whitman, and Mr. Speaker.

The Journal of Monday was read, amended and approved.

On motion, leave of absence was granted to Mr. Briggs for one week, and Mr. McGee for three days.

Mr. Myres, chairman, made the following report:

The Judiciary Committee have had under consideration Senate bill No. 116, and commend its passage with an amendment herewith submitted.

Senate bill No. 116, an Act supplementary to an Act to exempt Firemen from militia service and Jury duty, passed March 25, 1853.

Amendment offered by the committee concurred in by the House.

The bill read a third time and passed.

Mr. Dannels, chairman, made the following report :

The Committee on Indian Affairs have had under consideration the Special Message of the Governor, in reference to Indian War Claims, with an accompanying communication from the Board of Examiners upon the same subject ; and in accordance with the recommendation of said communications, and the instructions of the House, your committee would herewith report back Assembly bill No. 205, for an Act to repeal the several Acts providing for the payment of expeditions against the Indians in this State, and recommend its passage.

Assembly bill No. 205, for an Act to repeal the several Acts providing for the payment of expeditions against the Indians in this State.

Considered as engrossed, read a third time and passed.

The following message was received from the Senate :

I am instructed to inform the Assembly that the Senate passed yesterday the accompanying bill for an Act to authorize the redemption of State Prison Bonds, and dispose of the special fund heretofore provided for their redemption.

Respectfully,

JOHN Y. LIND, Secretary.

Senate bill No. 115, above reported,

Read a first and second time, rule suspended, the bill read a third time and passed.

Mr. Ashley gave notice that at an early day he would introduce a bill for an Act provide for the erection of a County Jail in the county of Monterey.

Also, an Act to establish Libraries.

On motion of Mr. Conness, Assembly bill No. 50 and 9, an Act in relation to State Prison Bonds, was taken from the table.

Read a second time and did not pass.

Also, Assembly bill No. 90, an Act explanatory of the 7th section of an Act to provide for the sale of the interest of the State of California in the property within the water line front of the city of San Francisco.

Read a third time and did not pass.

On motion of Mr. McDaniel, Assembly bill No. 113, an Act to authorize Justices of the Peace to issue writs of injunction in certain cases in mining counties, was taken from the table and referred to Joint Committee on Practice Act—Judiciary committee of both Houses.

Mr. Bradford moved to take from the table Senate concurrent resolution to adjourn *sine die*, upon which motion Messrs. Sweetland, Bradford and Carrillo demanded the yeas and nays.

AYES.

Messrs. Anderson, Ashley, Bennett, Bowie, Bradford, Burton, Carr, Carrillo, Dannels, Davidson, Ewer, Godard, Gordon, Griffith, Hagans, Hastings, Henry, Herbert, Hollister, Horr, Hoyt, Hubbard, Hubert, Hunt, Hunter, Irwin, James, Jones, Koll, Letcher, Mandeville, McDuffie, McDaniel, McKinney, Noel, O'Neil, W. Park, Pratt, Stemmons, Stevenson, Stowe, Sweetland, Tivy, Warmcastle and Whitman—45.



## NAYS.

Messrs. Ballou, Conness, Dawley, Fairfield, French, Hoff, Myres, McDonald, Purdy, Ring, Rowan, Sweasey, Tallmadge and Van Cleft—14.

So the resolution was taken from the table.

Mr. Bradford moved to strike out the 15th day of April, and insert the 8th of May.

Mr. Ewer moved to amend by inserting the 1st of May instead of the 8th.

Mr. Jones moved to make the resolution the special order of the day for Friday next at 12 o'clock, M.; upon which motion Messrs. Whitman, Ewer and Henry demanded the yeas and nays.

## YEAS.

Messrs. Ballou, Bradford, Clingan, Conness, Dannels, Davidson, Dawley, Fairfield, French, Gilbert, Godard, Griffith, Hoff, Hollister, Horr, Hoyt, Hubbard, Irwin, Jones, Kellogg, Koll, Myres, McBrayer, McDonald, J. W. Park, Pratt, Purdy, Rowan, Spencer, Sweasey, Tallmadge and Van Cleft—32.

## NAYS.

Messrs. Anderson, Ashley, Bennett, Bowie, Burton, Carr, Carrillo, Ewer, Gordon, Hagans, Henry, Herbert, Hubert, Hunt, Hunter, James, Letcher, Mandeville, McDuffie, McDaniel, McKinney, Noel, Stemmons, Stevenson, Stowe, Sweetland, Tivy, Warmcastle and Whitman—30.

So the resolution was made the special order for Friday next.

Mr. Conness moved to take from the table the Governor's veto message upon a resolution granting leave of absence to Edward P. Letcher, County Judge of Klamath county. Agreed to.

Mr. Griffith moved to refer the message and bill to the Delegation from Klamath county. Agreed to.

Mr. Ballou, offered the following :

*Resolved*, That the Committee on Public Accounts and Expenditures be, and are hereby, instructed to audit and pay out of the contingent fund of this House the amount of necessary travelling expenses incurred by the various committees by order of this House.

Mr. Hoyt moved to lay the whole subject on the table.

Not agreed to.

The resolution was then adopted.

Mr. Griffith gave notice, that at an early day he would introduce a bill fixing the times of holding the various Courts authorized to be held by the County Judge in the County of Yolo.

On motion of Mr. Dannels, Assembly bills for the protection of Owners of Building Lots in the Mining Districts, was taken up for consideration.

On motion of Mr. Jones, the House resolved itself into Committee of the Whole Mr. O'Neil in the chair, to consider the bills.

After spending some time in its consideration, and making no amendments thereto

On motion, the committee rose, reported progress, reported the bills back to the House, and by vote of the House, the committee was discharged.

Mr. Dannels moved to indefinitely postpone the bills under consideration.

Mr. Conness moved to refer the consideration of the bills to a select committee of five.

Mr. O'Neil moved to make the bills the special order for Tuesday next, at 12 o'clock, in Committee of the Whole.

Not agreed to.

The vote was then taken upon the motion of Mr. Conness, and decided in the affirmative.

And Messrs. Conness, Burton, McDaniel, Kellogg and Anderson were appointed said committee.

Mr. Myres moved to amend the rules of the House agreeable to notice of yesterday: Amend the first rule by striking out the hour of 10, and inserting 11 o'clock, or the hour of meeting. Not agreed to.

Amend the second rule by placing the introduction of bills second in the order of business. Agreed to.

Mr. Myres introduced a bill for an Act amendatory of an Act entitled an Act to provide for the disposal of the five hundred thousand acres of land granted to this State by the eighth section of the Act of Congress, approved the 4th of April, 1841.

Read a first and second time, and referred to Committee on Public Lands, and 40 copies ordered to be printed.

Mr. Hoff introduced a Joint Resolution in relation to the U. S. Census Agents for the State of California.

Read a first time, and ordered to a second reading on to-morrow.

Mr. Jones introduced a bill for an Act to prevent hogs and sheep from running at large at certain seasons of the year.

Read a first time, and ordered to a second reading on to-morrow.

Mr. Purdy introduced a bill for an Act for the protection of Game.

Read a first and second time, and referred to special committee of three.

Messrs. Purdy, Bennett and Hunter were appointed said committee.

Mr. Letcher introduced a bill for an Act to adjust the indebtedness of the County of Alameda to the County of Santa Clara, and provide for the payment of the same.

Read a first and second time, and referred to the Delegation from Santa Clara and Alameda counties.

Mr. Clingan introduced a bill for an Act amendatory of an Act to provide for the permanent locations of the Seats of Justice of the several counties of this State, passed April 11, 1850.

Read a first and second time, and referred to Committee on Counties and County Boundaries, with instructions to report at an early day.

Mr. Carrillo introduced a bill for an Act to provide for the creation of a wharf at Santa Barbara.

Read a first and second time, and referred to the Delegation from Santa Barbara.

Mr. Whipple introduced a bill for an Act to provide for the survey of a portion of the northern boundary of this State.

Read a first and second time, and referred to Committee of Ways and Means.

Mr. Herbert gave notice that he would, at an early day, introduce a bill authorizing the Governor of this State to appoint Commissioners to examine and investigate the title of the State to the Leidesdorff estate; and empower said Commissioners to employ counsel to assist and aid the Attorney General in the commencement and prosecution of any action for said estate in behalf of this State, and appropriate contingent fund for the same.

Mr. McBrayer introduced a bill for an Act to authorize the State Treasurer to issue a duplicate warrant to John Skinker.

Read a first and second time, and referred to the Committee of Ways and Means.

Mr. Griffith introduced a bill for an Act fixing the times of holding the several Courts authorized to be held by the County Judges in the County of Yolo.

Read a first and second time, and referred to Delegation from Yolo County.

Mr. Sweasey gave notice that on to-morrow, he would introduce a bill for an Act declaring the office of the District Judge of the fourth Judicial District vacant.

On motion of Mr. Kellogg, the House adjourned until 10 o'clock to-morrow.

## HOUSE OF ASSEMBLY.

WEDNESDAY, April 12, 1854

House met pursuant to adjournment.

The roll was called and the following members were absent :

Messrs. Bagley, Bostwick, Bradford, Cornwall, Dawley, Gilbert, Green, Griffith, Herbert, Horr, Houghtaling, Hubbard, Lindsey, Myres, McBrayer, McDuffie, Nichols, F. A. Park, Purdy, Rowan, Springer, Tallmadge, Van Cleft, Watkins and Mr. Speaker.

The Journal of Tuesday was read and approved.

On motion, leave of absence was granted to Mr. Watkins for four days; to Mr. Houghtaling for one day; to Mr. Bagley for four days; to F. A. Park for two days and to Mr. Springer for two days.

Mr. Gordon presented a petition from sundry citizens of El Dorado and Calaveras counties praying for the creation of a new county to be called the county of Washington.

Petition read and referred to Committee on Counties and County Boundaries.

Mr. Hunt presented a petition from sundry citizens of Sacramento and Yolo counties praying for a change of the law in reference to the run of Salmon.

Petition read and referred to select committee of three.

Messrs. Griffith, McBrayer and Bowie, were appointed said committee.

Mr. Ashley presented a petition numerously signed by citizens of Monterey praying for the passage of a law to authorize the collection of a special tax in said county for the purpose of building a Jail.

Petition read and referred to the delegation from Monterey county.

Mr. Ashley introduced a bill for an Act to provide for District Libraries.

Read a first and second time, and referred to Committee on Education.

Mr. Burton asked to be excused from serving on the select committee appointed on yesterday.

He was excused, and Mr. Sweetland appointed in his place.

Mr. Sweasey introduced a bill for an Act declaring the office of the District Judge of the Fourth Judicial District vacant.

Read a first time, and ordered to be read a second time on to-morrow.

Mr. Ewer, introduced the following bills for an Act to give jurisdiction to the District Court, County Courts, and Justices' Courts in Plumas county in certain cases.

Read a first and second time, and referred to the delegation from Butte county.

Also, an Act to give jurisdiction to the District Court in certain cases

Read a first and second time, and referred to Joint Committee on Practice Act Judiciary Committee.

Mr. Musser introduced a bill for an Act to authorize the Court of Sessions of Trinity county to levy a special tax for purposes therein named.

Read a first time, and ordered to a second reading on to-morrow.

Mr. Stowe introduced a bill for an Act to amend an Act entitled an Act concerning Toll Bridges, passed May 1, 1851.

Read a first time, and ordered to a second reading on to-morrow.

Mr. Hastings, chairman, made the following report :

A portion of the Committee on Counties and County Boundaries have had unde



consideration Assembly bill, No. 179, for an Act to amend an Act dividing the county into counties, and establishing the Seats of Justice therein, passed April 25, 1861.

Report the same back, and recommend that the whole matter be referred to the delegation from Butte, Colusa and Sutter.

The bill was referred as above recommended to the delegations from Butte, Colusa and Sutter Counties.

Mr. Letcher, chairman, reported back Assembly bill, 233, for an Act to adjust indebtedness of the county of Alameda to the county of Santa Clara, and provide for the payment of the same, and recommend the passage of the same.

Mr. Warmcastle offered to amend the bill by a proviso exempting Contra Costa. Agreed to.

The bill was then considered as engrossed, read a third time and passed.

The following message was received from the Senate :

I am instructed to inform the Assembly that the Senate passed, yesterday, Assembly bill for an Act to locate the County Seat of Sonoma county anew, with amendments as therein shown ;

And, also, passed the following Senate bill for an Act to amend an Act entitled an Act to authorize the formation of limited partnerships.

All of which is respectfully submitted.

JOHN Y. LIND, Secretary.

Assembly bill, No. 199, an Act to locate the County Seat of Sonoma county, above reported.

Amendment of the Senate concurred in by the House.

Senate bill, No. 109, an Act to amend an Act entitled an Act to authorize the formation of limited partnerships.

Read a first time, and ordered to a second reading on to-morrow.

Mr. Conness gave notice that, on to-morrow, or soon thereafter, he would introduce a bill to regulate the reception and payment of Comptroller's Warrants.

Mr. Gordon gave notice that at an early day he would introduce a bill for an Act to authorize, at the expense of the State, accurate topographical surveys from the western line of the State to the Bay of San Francisco, or some tributary thereof, for a route of the Pacific and Atlantic Railroad.

The hour of 11 o'clock, the special order of the day was taken up, which was an Act to establish and regulate Common Schools, and to repeal former Acts concerning the same.

On motion of Mr. Dannels, the House resolved itself into Committee of the whole, Mr. Dannels in the chair, to consider the bill.

After spending some time in the consideration of the bill, and making amendments thereto,

On motion, the committee rose, reported progress, and asked leave to sit again.

Leave granted to sit again, and the bill made the special order for to-morrow at 2 o'clock.

On motion, indefinite leave was granted to Mr. McDuffie, in consequence of ill health.

Mr. Griffith made the following report :

The Special Committee, to whom was referred Assembly bill No. 53, for an Act to regulate Fees in Office, have had the same under consideration, and beg leave to report the accompanying substitute therefor, and recommend its passage.

On motion of Mr. Griffith, the bill and substitute were made the special order for Thursday week at 12 o'clock, and 240 copies of the substitute ordered to be printed.

Mr. O'Neil made the following report :



The Committee on Engrossment have examined and find correctly engrossed, an Act to create the office of State Printer, and define the duties and compensation thereof, and to provide for the time and manner of election.

An Act to submit the question of the removal of the County Seat of El Dorado county to the voters thereof.

An Act to amend an Act entitled an Act concerning the salaries of officers and members of the Legislature, passed May 11, 1852.

An Act to repeal the several Acts providing for the payment of expedition against the Indians of this State.

And also Joint Resolutions in relation to an Act of Congress concerning private land claims in the State of California.

Mr. Conness introduced a bill for an Act to regulate the reception and payment of Comptroller's warrants by the State Treasurer.

Read a first and second time, and referred to the Judiciary Committee.

Mr. Sweetland gave notice that at an early day he would introduce a bill for the improvement of Roads and Highways in the county of Nevada.

Mr. Mandeville gave notice that on to-morrow he would introduce a bill to declare the Stanislaus a navigable stream.

On motion of Mr. Mandeville, Assembly bill No. 102, an Act for the better development of the mineral resources of California, was taken from the table, and made the special order of the day for Friday next, at 12 o'clock.

Mr. Griffith, chairman, made the following report :

The delegation from Yolo county, to whom was referred Assembly bill 237, entitled an Act fixing the times of holding the several Courts authorized to be held by the County Judge in the county of Yolo, have had the same under consideration and report the same back without amendment, and recommend its passage.

The bill was considered as engrossed, read a third time and passed.

On motion of Mr. Myres, the House proceeded to the consideration of Assembly bill No. 227, an Act to amend an Act entitled an Act concerning escheats.

Mr. French moved a call of the House.

The call was not sustained.

During the reading of the bill,

On motion of Mr. Jones, the House adjourned until 10 o'clock to-morrow.

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## HOUSE OF ASSEMBLY.

THURSDAY, April 13, 1854.

House met pursuant to adjournment.

The roll was called, and the following members were absent :

Messrs. Bostwick, Bradford, Briggs, Cornwall, French, Gilbert, Gordon, Griffith, Herbert, Hunt, Irwin, Lindsey, McGee, Nichols, Purdy, Rowan, Van Cleft and Whitman.

The Journal of Wednesday was read and approved.

On motion, leave of absence was granted to Mr. Hunt for three days; to Mr. Gordon indefinitely, in consequence of ill health; and to Mr. Bostwick indefinitely.

Mr. Koll presented a petition from the Directors of the German Benevolent Society, praying for the passage of a law granting to the society some protection under the Hospital Laws of this State.

Petition read and referred to Committee on State Hospitals.

Mr. McBrayer introduced a bill for an Act to fix the Capital of the State.

Read a first time, and ordered to a second reading on to-morrow.

Mr. Hubbard introduced a bill for an Act to prescribe rules and regulations for the disposal of town lots in this State, under the Act of Congress, entitled an Act, &c.

Read a first time, and ordered to a second reading on to-morrow.

Mr. Mandeville introduced a bill for an Act to declare the river Stanislaus, navigable.

Read a first time, and ordered to a second reading on to-morrow.

Mr. Fairfax introduced a bill for an Act to suppress Gambling.

Read a first and second time, and referred to Judiciary Committee.

Mr. Bradford introduced a bill for an Act supplementary to, and explanatory of, an Act entitled an Act making appropriations for the Civil Expenses of the State, for the unexpired portion of the fiscal year, ending on the 20th day of June, 1854, and for the first seven months of the fiscal year commencing on the first day of July, 1854.

Read a first time, and ordered to a second reading on to-morrow.

Mr. Myres, chairman, made the following report:

The Judiciary Committee, to whom was referred Assembly bill, No. 170, for an Act to provide for the organization of the Court of Sessions in and for the county of Colusa, have had the same under consideration, and herewith report a substitute, the passage of which they recommend.

The substitute reported by the committee adopted, considered as engrossed, read a third time and passed.

Mr. Hastings, chairman, made the following report:

A portion of the Committee on Counties and County Boundaries, have had under consideration Senate bill, No. 62, for an Act to amend an Act entitled an Act dividing the State into counties, and establishing the seats of Justice therein, passed April 25, 1851, report the same back with an amendment, recommend the adoption of the same and the passage of the bill.

The amendment offered by the committee adopted.

Mr. McDonald moved to amend by striking out "on an air line," and insert in straight line, in second section.

Agreed to.

Mr. O'Neil moved to lay the bill on the table.

Not agreed to.

Mr. Mandeville moved to amend the 13th section in reference to the boundary line of Tuolumne at Knight's Ferry, on the Stanislaus.

Amendment adopted.

Mr. Myres offered an additional section of the bill,

Which was adopted.

Mr. McDaniels moved to postpone the further action upon the bill, and make it a special order for Monday next, at 12 o'clock.

Agreed to.

Mr. O'Neil moved to print 240 copies of the bill introduced by Mr. Fairfax to suppress gambling.

Not agreed to.

Mr. Van Cleft introduced a bill for an Act to provide for the selection of land donated by the United States to the State of California, for the support of Common Schools and for the erection of Public Buildings.

Read a first and second time, and referred to Committee on Public Lands.

Mr. O'Neil, chairman, made the following report :

The Committee on Engrossment have examined, and find correctly engrossed, an Act to adjust the indebtedness of the county of Alameda to the county of Santa Clara, and provide for the payment of the same.

Also, an Act fixing the times of holding the several Courts authorized to be held by the County Judge in the county of Yolo.

Mr. Tivy, chairman, made the following report :

The Joint Committee on Enrollment have examined, and found correctly enrolled the following Acts, viz :

An Act explanatory of an Act entitled an Act to incorporate the city of Los Angeles, approved April 4, 1850.

An Act to incorporate Crescent City.

An Act to authorize A. H. Murdock, and others to build a wharf at the town of Union, in Humboldt county.

An Act to provide for the erection of public buildings in the county of Napa.

An Act to authorize the incorporation of the city of San Bernardino.

And an Act supplementary to the Act incorporating the city of Benicia.

Mr. Stemmons, chairman, made the following report :

The Committee on Agriculture, to whom was referred Assembly bill No. 20 entitled an Act to protect stock growers from losses by noxious animals, have had the same under consideration, and recommend that the same be indefinitely postponed.

Bill read a third time, and indefinitely postponed.

Mr. Carrillo made the following report :

The Special Committee, to whom was referred Assembly bill No. 235, providing for the construction of a wharf at Santa Barbara, respectfully report that they have had the same under consideration, and recommend its passage, after striking out the proviso of the first section.

The amendment proposed by the committee to the above bill, was concurred in.

The bill considered as engrossed, read a third time and passed.

Mr. Whitman, chairman of Select Committee, reported back Assembly bill No. 185, to fund the debt of the County of Solano, and to provide for the payment thereof, and recommended the passage of the same.

The bill was considered as engrossed, read a third time and passed.

Mr. Spencer, chairman, made the following report :

The Committee on Hospitals, to whom was referred a bill for an Act to amend an Act to establish an Asylum for the Insane of the State of California, having considered the same, have instructed me to report the same back with a substitute for section eight as an amendment, and recommend its passage.

The bill was amended, considered as engrossed, read a third time and passed.

The following message was received from the Senate :

I am instructed to inform the Assembly, that the Senate passed yesterday Assembly bill for an Act amendatory to an Act to amend an Act respecting Fugitives from Labor and Slaves brought to this State prior to her admission into the Union approved April 15, 1852, which is herewith respectfully returned.

JOHN Y. LIND, Secretary.



The hour of 12, the special order was taken up, which was a bill to establish a system of Common Schools. The House, in Committee of the Whole, Mr. Dannels in the chair, to continue the consideration of the bill. After spending some time in the consideration of the bill, and making amendments thereto,

On motion, the committee rose, reported the bill back as amended, and asked to be discharged from its further consideration, and recommended the passage of the bill.

The committee was discharged.

Mr. Conness moved to lay the bill on the table. Agreed to.

Mr. Griffith introduced a bill for an Act to provide for the reclamation of the Swamp and Overflowed Lands belonging to the State of California.

Read a first and second time, 240 copies of the bill ordered to be printed, and referred to Committee on Public Lands.

Mr. Tivy, chairman, made the following report :

The Joint Committee on Enrolled Bills have examined, and find correctly enrolled, the following Acts, viz :

An Act to authorize the Court of Sessions of the County of Tuolumne to levy and collect a special tax for the support and maintenance of the Indigent Sick of said County.

An Act for the relief of William N. Walton.

An Act to declare the head of navigation on the Tuolumne river.

An Act to amend an Act entitled an Act concerning the Courts of Justice of this State, and Judicial Officers, passed May 19, 1853.

An Act to extend the provisions of an Act for the protection of Game to the County of Tuolumne.

An Act to fund the Floating Debt of Sacramento county, and to provide for the payment of the same.

An Act amendatory to an Act to amend an Act respecting Fugitives from Labor and Slaves brought to this State prior to her admission into the Union, approved April 15, 1852; and

An Act to amend an Act entitled an Act concerning the office of Comptroller, passed January 19, 1850.

Mr. Purdy, chairman, made the following report :

The undersigned, a special committee, to whom was referred Assembly bill No. 230, entitled an Act for the protection of Game, having considered the same, herewith report it to the House, and recommend its passage.

Assembly bill, above reported, under consideration,

On motion of Mr. Dawley, the House adjourned until 10 o'clock to-morrow.

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## HOUSE OF ASSEMBLY.

FRIDAY, April 14, 1854.

House met pursuant to adjournment.

The roll was called, and the following members were absent :

Messrs. Carr, Gilbert, Griffith, Herbert, Lindsey, Myres, Nichols, J. W. Park, Rowan, Tallmadge, and Mr. Speaker.



The Journal of Thursday was read and approved.

On motion, leave of absence was granted to Mr. Gilbert for one day, and to Mr. Lindsey for two days.

Mr. Van Cleft introduced a bill for an Act in relation to the supplies of Fuel, and other Contingent Expenses of the Legislature.

Read a first and second time, and referred to Committee on Accounts.

Mr. Musser introduced a bill for an Act to authorize the construction of a wagon road from Shasta city to Weaverville in Trinity county.

Read a first and second time, and referred to Committee on Roads and Highways.

Mr. Ashley introduced a bill for an Act to provide for the erection of a Jail in the County of Monterey.

Read a first and second time, and referred to Committee on Public Buildings and Grounds.

Mr. Sweasey introduced a bill for an Act to prevent the monopoly of lands in this State.

Read a first and second time, and referred to Committee on Public Lands.

Mr. Whipple introduced a bill for an Act to provide for the survey of a portion of the northern boundary of this State.

Read a first and second time and referred to Committee of Ways and Means.

Mr. Letcher, chairman, made the following report :

The Committee on Agriculture, to whom was referred a bill to amend an Act concerning Estrays, beg leave to report a substitute for the same.

Substitute read a first and second time, and 240 copies ordered to be printed.

Mr. Griffith, chairman, made the following report :

The Committee on Roads and Highways, to whom was referred Assembly bill, No. 141, concerning Roads and Highways, have had the same under consideration, and report the same back with amendments, and recommend that the bill pass as amended.

The bill and amendments made the special order for Wednesday next, at twelve o'clock.

Mr. O'Neil, chairman, made the following report :

The Committee on Engrossment have examined, and find correctly engrossed, an Act to amend an Act to establish an Asylum for the Insane of the State of California, approved May 17, 1853.

Also, an Act to provide for the organization of the Court of Sessions in and for the county of Yolo.

And an Act to provide for the erection of a wharf at Santa Barbara.

Mr. Tivy, chairman, made the following report :

The Joint Committee on Enrolled Bills, on Wednesday the 12th inst., presented to his Excellency, the Governor, for his approval, Joint Resolutions relative to Mail Routes in the State of California ;

And on yesterday, the 13th inst., the following Acts, viz :—An Act amendatory to an Act to amend an Act respecting Fugitives from Labor, and Slaves brought to this State prior to her admission into the Union, approved April 15, 1852.

An Act explanatory of an Act to incorporate the city of Los Angeles, approved April 4, 1850.

An Act to incorporate Crescent City.

An Act to authorize A. H. Murdock and others to build a wharf at the town of Union, in Humboldt county.

An Act to provide for the erection of Public Buildings in the county of Napa.

An Act to authorize the incorporation of the city of San Bernardino.

An Act supplementary to the Act incorporating the city of Benicia.

An Act to declare the head of Navigation on the Tuolumne river.

An Act to amend an Act entitled an Act concerning the office of Comptroller, passed January 19, 1853.

An Act to amend an Act entitled an Act concerning the Courts of Justice of this State and Judicial Officers, passed May 19, 1853.

An Act to extend the provisions of an Act for the protection of Game to the county of Tuolumne.

An Act to Fund the floating debt of Sacramento county, and to provide for the payment of the same; and

An Act to authorize the Court of Sessions of the county of Tuolumne to levy and collect a special tax for the support of the indigent sick of said county.

Mr. Tallmadge made the following report:

Report of the Joint Select Committee to investigate the printing accounts of Eugene Casserly, Esq.

MR. PRESIDENT:

The Joint Select Committee created under the following resolution:

*Resolved*, By the Senate, the Assembly concurring, that a Joint Committee, composed of three from each House, be appointed to examine and settle the accounts of Eugene Casserly, Esq., late State Printer, with power to send for persons and papers; have carefully examined the subject, and beg leave respectfully, to submit the following report:

In May, 1851. Mr. Casserly was elected State Printer by the Legislature; the then Governor, (McDougal), claimed the election to be irregular, and immediately upon the adjournment of the Legislature appointed Mr. G. K. Fitch, State Printer.

The Secretary of State, whose duty it was by law to deliver to the State Printer the certified copies of the laws and journals for printing, refused to acknowledge Mr. Casserly as the State Printer, and delivered them to Mr. Fitch. It was thus placed out of Mr. Casserly's power to print the laws and journals, and he was obliged to resort to a suit at law to establish his rights. Late in December, 1851, the Supreme Court of the State rendered a unanimous decision declaring Mr. Casserly to be the State Printer, and the appointment of Mr. Fitch by the Governor, null and void.

Within a very few days after this decision, the Legislature of 1852 commenced its session.

The volume of Laws of 1851 was one of the most important, as well as one of the largest ever printed, and the members were eager to have them and the journals upon their desks.

Meantime, and pending the litigation in the Courts, Mr. Fitch had had the laws and journals printed in New York, and at the opening of the session, was in attendance with his books, being the only printed volumes of the laws of 1851 in the State, printed and bound, and ready for delivery. The time between the decision of the Supreme Court in Mr. Casserly's favor, and the meeting of the Legislature, scarcely two weeks, did not allow him to print the Laws and Journals, and was hardly sufficient to have obtained the certified copies for printing from the Secretary of State. Without any fault of his, he had been disabled from doing the State work; and he was the State Printer without having had it in his power to do the State Printing.

The impatience of the Legislature, for the Laws and Journals of 1851, was all the while on the increase; and in each house a committee was appointed to examine and report upon the subject. The chairman of the Senate Committee was Hon. Chas. F. Lott, Senator from Butte; while the chairman of the Senate portion of the present committee was chairman of the committee in the Assembly.

Both committees were unanimous in their conclusions. After a very full discussion and examination, the Assembly committee reported that Mr. Fitch was not the State Printer, that Mr. Casserly was, and the only person authorised by law to deliver to the State the Laws and Journals of 1851; which report was accepted *non com.* The Senate committee reached the same results, and were entirely clear and decided in the opinion that the Laws and Journals could not be accepted from Mr. Fitch by the Legislature without a disregard of the decision of the Supreme Court, and a violation of law. As a settlement of the difficulty, and in order that the Laws and Journals might be received by the Legislature and distributed through the State, when the want of the statutes particularly was felt as a serious embarrassment, the Senate committee further advised that Mr. Casserly should make an arrangement with Mr. Fitch by which he (Casserly) should be enabled to deliver to the State the Laws and Journals, after revising and correcting the typographical errors in the volume of the laws. This was, in fact, the only course left for Mr. Casserly, and the only one by which he could possibly meet his obligations to the State, and satisfy the desire of the Legislature for the Laws and Journals. Accordingly he purchased of Mr. Fitch his books, paying to him about the full California prices; and after revising and correcting the volume of the Laws, inserting a copious list of errata, and his own imprint as State Printer, as required by law, he delivered the Laws and Journals to the State through the Comptroller and Secretary of State, by whom, after due examination, they were accepted, and his bills for the work were certified and audited under the Act of March 25, 1851, reducing the State Printer's rates of compensation forty per cent. from the rates of the Act of March 9, 1850.

To the correctness of these rates, your committee have given particular attention, with especial reference to the views expressed in the "Report of the Special Committee, appointed in 1853, to examine the Books and papers of the State Officers." After a full examination of the various Acts upon the subject, the conclusion seemed inevitable that the Act of March 25, 1851, reducing the prices forty per cent. fixed the true tariff for the State printing. And, therefore, that the rates adopted by the Comptroller and Secretary of State in certifying and auditing Mr. Casserly's accounts for the Laws and Journals were entirely correct and according to law.

In the further performance of the duty assigned to your committee, of examining and settling Mr. Casserly's accounts, we have felt ourselves in all cases required to go behind the bills as audited and adjusted by the Comptroller; and in some instances to correct his calculations, and to disallow items which had been allowed by him; and on the other hand to allow items which had been thrown out by him.

It is due to the Comptroller to say, that the balance of these errors were on the side of the State; and that the accounts of Mr. Casserly appear to have been subjected by him to repeated examinations, calling to his aid practical printers, as required by law, retaining in his hands until such final settlement, a large amount of money—\$10,000 and upward—due to Mr. Casserly.

In proceeding to the examination of Mr. Casserly's accounts, your committee found before them an arduous task. These accounts included upwards of one hundred and twenty bills, comprising many hundred items, and referring each to its appropriate voucher, nearly every bill and voucher containing two or more different classes of work: the whole involving a mass of figures and calculations of the utmost extent and intricacy.

The calculations in these accounts being such as to require the services of experienced printers, your committee appointed, under oath, a commission of three practical printers of known experience and capacity in the various departments of printing, with instructions to examine and calculate every item in the accounts, with reference to the voucher for each. Each of these gentlemen, thus sworn, made his examination of each item, bill, and voucher, separate and apart from the others. If, upon comparing the result on each bill, any discrepancy appeared between the three, the calculations were revised, and the error ascertained and corrected. Your com-



ittee had the assistance of these gentlemen during three days, and they feel assured that nothing could be more rigid and thorough than their process of investigation; and that the results which they reached are as free from error as possible.

The report of these gentlemen is annexed, marked "Exhibit A.," from which it will be seen that upon the bills audited and allowed by the Comptroller, they found a balance due to the State of \$1,234 02. The item of \$2,188 07 overpaid (as appears by their report) arose out of an error in computing the binding of the Journals. By section twelve of the Act of March 9, 1850, the rate for binding on all half bound volumes was one and one-fourth cents per page if the volume was under three hundred pages, and one cent per page if it contained more than three hundred pages. The Journals were half bound and more than three hundred pages, and were charged (erroneously) for binding one and one-fourth cents a page instead of one cent.

The error was undoubtedly a clerical one, and appears to have escaped the attention not only of the Comptroller, but of the practical printers who examined the accounts.

Most of the items reported underpaid are for errors made in computing the number of tokens of press work; each token being two hundred and forty impressions of the printing press, and which, by law, is counted a full token.

Of the item of \$276 64, reported in "Exhibit A." as underpaid in vouchers 1025 and 1026, and submitted for the consideration of your committee, the sum of \$245 has been disallowed by your committee, being for the "composition upon the Report of the Surveyor General, ordered printed by the Assembly without any charge for composition," although this is a restriction which the Assembly had, perhaps, no right by law to make, yet the work was done under the order, and Mr. Casserly apparently consented to the restriction. The charge for composition was, therefore, not allowed.

In addition to the bills audited and allowed by the Comptroller, your committee have allowed two items as per bill in "Exhibit B.," hereto annexed, and which had been disallowed by the Comptroller.

The first item is for marginal or side notes, and index, and table of contents to the statutes, and for the index to the Journals. Without this work the books would have been almost useless. It has always been done by the Printer to the State—as always been charged for, and, except in Mr. Casserly's case, has always been allowed. According to the rates at which the same work was paid for last year by the State, the amount of this item would be \$5,007. Mr. Casserly's bill is for \$1,244, being as nearly as possible the amount paid in cash for the labor bestowed, and it has been allowed by the committee.

The other item is for carriage, labor, and expenses in the purchase of the paper used by the State during the year 1851-52. This item is chargeable under section 3 of the Act of March 9, 1850, and though disallowed by the Comptroller and Secretary of State, is regarded by your committee as a very just and moderate demand for a troublesome service, and allowed accordingly.

It will be seen, therefore, that your committee have, after a full, minute, and patient investigation, disallowed an item of \$2,188 17 allowed by the Comptroller, and also an item of \$245, submitted for allowance in the report of the Commission of Printers; and that they have allowed the other items marked in that report as underpaid, amounting to \$709 15, and also the items charged in "Exhibit B.," amounting to \$1,860 20. This leaves a balance due by the State to Mr. Casserly of three hundred and eighty dollars and eighteen cents, thus:

Total of account as correctly settled by your committee,	\$85,627 92
Total of account as audited and allowed by Comptroller,	85,246 74

Balance due Mr. Casserly,	\$380 18
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For the payment of which balance to him in full settlement of his accounts, your



committee submit herewith a bill for an Act, and respectfully recommend the passage of the same.

Your committee cannot conclude, without expressing their satisfaction with the result of their examination. In so large a mass of accounts, involving calculations of peculiar difficulty, important errors against the State might appear inevitable. The fact is the other way; with the single exception of the error (manifestly clerical) in the charge for the binding of the Journals, already noted and explained, your committee have found no overcharge against the State, while the close examination instituted has disclosed several items in Mr. Casserly's favor, which should have been allowed, leaving a small balance due to him by the State.

Justice to Mr. Casserly requires us to say, that we have found his accounts with the State to have been kept with care, accuracy and clearness; every item distinctly presented, the different classes of work intelligibly set forth, every bill certified to by the proper officers of the Legislature, and accompanied by a suitable voucher. To his administration of the State Printing belongs the merit of efficiency, compliance with the law, and laudable economy, as is proved by the fact that the whole expense of the State Printing during his term of office, is less by very many thousand dollars than the same work has ever cost the State before or since; which, in view of the circumstance, that during his term of office wages were some 25 per cent. higher than at present, and warrants of the State 25 to 30 per cent. lower, is a result more profitable to the State, probably, than to the State Printer.

We will not withhold the expression of our gratification, that in those early days of our young State, the complicated and responsible duties of an important and expensive department of Government, should have been administered in a manner so entirely creditable to the officer and advantageous to the public.

All of which is respectfully submitted.

JAMES W. COFFROTH, Chairman.

J. H. WADE,

R. T. SPRAGUE,

Senate Committee.

D. P. TALLMADGE,

Chairman Assembly Com.

WM. W. STOWE.

#### EXHIBIT A.

SACRAMENTO, April 10, 1852.

SIR :

We, the undersigned, practical printers, having been sworn by you, have examined the accounts of Eugene Casserly, Esq., as State Printer, together with every voucher and printed document to which they refer, and report the following as the result of our examination, as will be more specifically set forth, by reference to the table on the annexed page. We find that Mr. Casserly has been overpaid \$1,234 02. There are one or two omissions to charge for composition of documents, which having been evidently agreed to by Mr. Casserly, we did not feel authorized to go behind the charge—though by all rules governing the printing craft, we think that he should be allowed for the same. In another case, the Comptroller has disallowed Mr. Casserly's charges for the purchase and cartage of paper, used in 1852, for Journals and Statutes, amounting to \$268 10. The law having provided for compensation for this service, we have thought it our duty to simply call the attention of your committee to the fact.

Respectfully, yours, &c.,

J. B. DEVOE,

F. S. THOMPSON,

J. WINFIELD SCOTT.

Hon. J. W. COFFROTH,

Chairman Select Committee, &c.

*Amount of State Printing under Eugene Casserly.*

NUMBER OF VOUCHER.	AUDITED AT.	OVER PAID.	UNDER PAID.	TRUE AMOUNT OF SAME.
674 to 676	\$1,330 52		\$22 50	\$1,353 02
677 to 684	1,013 97		12 11	1,026 08
739 to 743	505 52			505 52
744 to 748	2,514 67		61 32	2,575 99
781 to 797	27,812 72	\$2,188 17		25,624 55
811 to 813	1,631 60		145 96	1,777 56
842 to 843	1,009 83		17 52	1,027 35
844 to 847	1,893 85		58 74	1,952 59
1012 to 1024	1,681 19		21 90	1,703 09
1025 to 1026	745 00		276 62	1,021 62
1275 to 1286	11,744 36		18 91	11,763 27
1287	2,681 00			2,681 00
1293	158 40			158 40
1294	1,220 24		14 65	1,234 89
1295	745 66			745 66
1296	151 68			151 68
1297 to 1307	1,712 90		4 39	1,717 29
1308 to 1369	1,036 00		15 17	1,051 17
1310 to 1313	1,118 91		39 74	1,158 65
1610 to 1619	4,713 12		94 94	4,808 06
1723 to 1726	1,930 41		53 32	1,983 73
1727	670 76			670 69
2815	25 00			25 00
3134 to 3159	17,199 50		96 36	17,295 86
	\$85,246 74	\$2,188 17	\$954 15	\$84,012 72

## BASIS OF CALCULATION.

Size of page, in document form, 28 by 48 ems long primer, containing 1,344 ms.

Size of page, in bill form, 48 by 74 ems long primer, containing 2,552 ems.

Price per 1000 ems English language \$7 30.

" 1000 ems figure work \$12 75.

" 1000 ems rule work \$10 95.

" 1000 ems rule and figure work \$14 60.

" 1000 ems Spanish language \$14 60.

Press work, 240 impressions to token, \$7 30 per token.

Plain blanks \$8 50 per quire.

Blanks with rule work in them, \$11 00 per quire.

" figure " \$12 75 "

" rule figure work in them, \$17 00.

Folding and stitching 2 cents per page for documents and bills.

" 1 cent " " "

The above size of pages, and the prices of State Printing work, are fixed by chapter 26 of an Act defining the duties of State Printer and fixing his compensation, passed March 9, 1850, and are governed by a reduction of 40 per cent. by

an Act to amend an Act defining the duties of State printer and fixing his compensation, passed March 9, 1850; passed March 25, 1851, being the laws under which Mr. Casserly executed the State Printing.

## EXHIBIT B.

THE STATE OF CALIFORNIA,

To *Eugene Casserly, Dr.*

Making marginal notes to statutes of 1851, (534 pages :) table of contents and index to same, 24 pages; making index to journals of 1851, (1,868 pages,) 47 pages solid,	\$1,244 0
Carriage, labor, expenses, &c. upon purchase of paper for the State, \$2,681, (see voucher 1,287 :) and \$3,481, (see voucher 3,134 to 3,139 :) total \$6,162 at 10 per cent. commission,	616 2
Total,	\$1,860 2

SACRAMENTO, April 10, 1854.

## EXHIBIT C.

COMPTROLLER'S OFFICE, }  
Sacramento, April 10, 1854. }

HON. J. W. COFFROTH :

Sir :—The amount paid Eugene Casserly, Esq., as Printer to the State, \$85,246 74.

Respectfully, your obedient servant,

(Signed)

SAM. BELL,  
Comptroller of State.

## EXHIBIT D.

COMPTROLLER'S OFFICE, }  
Sacramento, April 10, 1854. }

HON. J. W. COFFROTH,

Sir :—The amount paid M. G. Langley for indexing and marginal noting Laws and Journals for 1852, is \$2,421 3  
Do for year 1853, 8,182 3

\$10,603 7

(Signed)

SAM. BELL,  
Comptroller of State.

Journals of Senate and Assembly for 1853, index 77 pages.  
Statutes of 1853, (346 pages,) contents and index 39 pages.

Mr. Tallmadge, in behalf of the committee, introduced a bill for an Act entitled an Act for the settlement of the accounts of Eugene Casserly as State Printer.

Read a first time and ordered to a second reading on to-morrow.

The following message was received from the Governor :

I have this day approved the following Acts which originated in the Assembly viz :

An Act supplementary to the Act incorporating the City of Benicia.



An Act explanatory of an Act entitled an Act to incorporate the City of Los Angeles, approved April 4, 1850.

An Act to authorise the incorporation of the City of San Bernardino.

An Act to provide for the erection of public buildings in the county of Napa.

An Act to authorise A. H. Murdock and others to build a wharf at the town of Union, in Humboldt county.

An Act to fund the floating debt of Sacramento county, and to provide for the payment of the same.

An Act to incorporate Crescent City.

Also, an Act amendatory to an Act to amend an Act respecting fugitives from labor and slaves brought to this State prior to her admission into the Union, approved April 1, 1852.

JOHN BIGLER.

The following message was received from the Senate :

I am instructed to inform the Assembly that on yesterday the Senate refused to concur in Assembly amendment to an Act supplementary to an Act to exempt firemen from Militia service and Jury duty, passed March 25, 1853, and request that the Assembly will appoint a committee to confer with Messrs. Coffroth, Sawyer and Moore upon the disagreeing vote.

The Senate also passed Assembly bill No 501, for an Act to amend the seventh section of an Act entitled an Act to incorporate the City of San Jose, passed March 27, 1850.

They also passed the following Senate bills :

For an Act declaring the consent of the State of California to the purchase by the United States of Signor or Mare Island ; to relinquish the title and interest of the State in overflowed portions of said Island, and to vest the jurisdiction over the same in the United States for the purposes therein specified.

An Act allowing the Court of Sessions of Yuba county to levy a special tax for the support of the indigent sick of said county ; and

An Act providing that the Court of Sessions of Yuba county shall be empowered to levy and cause to be collected, a special tax for the purpose of erecting public buildings, and the improvement of public grounds in said county, and for the disposal of public property for the same purpose.

Also, a concurrent resolution granting leave of absence to John R. McConnell, Attorney General of this State.

All of which is herewith respectfully presented.

JOHN Y. LIND, Secretary.

House refused to recede from their amendment to Senate bill No. 116, an Act to exempt firemen from Militia service and Jury duty, passed March 25, 1853, and have appointed Messrs. Myres, Godard and Dawley as a committee of conference.

Senate bill No. 120, an Act declaring the consent of the State of California to the purchase by the United States of Signor or Mare Island ; to relinquish the title and interests of the State in overflowed portions of said Island, and to vest the jurisdiction over the same in the United States for the purposes therein specified.

Read a first and second time and referred to Judiciary Committee.

Senate bill No. 114, for an Act allowing the Court of Sessions of Yuba county to levy a special tax for the support of the indigent sick of said county.

Read a first and second time and referred to Judiciary Committee.

Senate bill No. 112, for an Act providing that the Court of Sessions of Yuba county shall be empowered to levy and cause to be collected, a special tax for the purpose of erecting public buildings, and the improvement of public grounds in said county, and for the disposal of public property for the same purpose.

Read a first and second time and referred to Yuba delegation.



Senate concurrent resolution granting leave of absence to John R. McConnell, the Attorney General of this State.

Mr. Sweetland moved the adoption of the resolution, and Messrs. Ashley, Van Cleft and Hubert demanded the yeas and nays.

YEAS.

Messrs. Bowie, Carr, Carrillo, Clingan, Cornwall, Davidson, Dawley, Hastings, Herbert, Hollister, Houghtaling, Hoyt, James, Mandeville, Myres, McBrayer, McGee, Noel, J. W. Park, Spencer, Stevenson, Stowe, Sweetland, Whipple and Whitman—25.

NAYS.

Messrs. Anderson, Ashley, Ballou, Bennett, Bradford, Conness, Dannels, Green, Griffith, Hagans, Henry, Horr, Hubbard, Hubert, Hunter, Jones, Kellogg, Koll, Letcher, McDonald, McDaniel, O'Neil, F. A. Park, Pratt, Purdy, Ring, Stemmons, Sweasey, Tallmadge Tivy, Van Cleft and Warmcastle—32.

So the House refused to pass the resolution.

Mr. Bradford gave notice that he would move a reconsideration of the vote just taken on to-morrow.

The following message was received from the Senate :

I am instructed to inform the Assembly that the Senate passed, this day, a bill for an Act for the settlement of the accounts of Eugene Casserly as State Printer.

Respectfully,

JOHN Y. LIND, Secretary.

Senate bill No. 134, above reported, read a first and second time, and ordered to a third reading on to-morrow.

Twelve o'clock.—The special order, which was a Concurrent Resolution from the Senate :

Mr. Ballou moved to pass over, for the present, the special order of the day.

Not agreed to.

Mr. O'Neil moved a call of the House.

The call was sustained.

The roll was called, and the following members were absent : Messrs. Gilbert, Nichols, and Mr. Speaker.

On motion of Mr. Pratt, further proceedings under the call were dispensed with.

Mr. Bradford moved to amend the Senate Resolution, by fixing the 8th of May next as the day of adjournment.

Mr. French moved to amend the resolution by fixing the 15th day of May next as the day of adjournment.

Mr. Ashley demanded a division of the question to strike out the 15th of April.

The Chair, Mr. Mandeville, decided that the motion to amend, moved by Mr. Bradford, was not susceptible of a division.

From which decision, Mr. Ashley appealed.

The question was then put, "Shall the decision of the Chair stand as the judgment of the House?"

And the decision of the Chair was overruled.

The motion was then taken to strike out the 15th April in the Senate Resolution, and Messrs. Hubbard, Dawley, and McGee demanded the yeas and nays.

YEAS.

Messrs. Anderson, Bennett, Bradford, Carr, Carrillo, Clingan, Cornwall, David-

son, Dawley, Ewer, Green, Hagans, Hastings, Henry, Herbert, Hoff, Hollister, Houghtaling, Hubert, Hunter, James, Letcher, Myres, McBrayer, McDaniel, McGee, McKinney, Noel, J. W. Park, Purdy, Spencer, Stemmons, Warmcastle, Whipple and Whitman—35.

## NAYS.

Messrs. Ashley, Bowie, Burton, Conness, Dannels, Fairfield, French, Godard, Griffith, Horr, Hoyt, Hubbard, Irwin, Jones, Kellogg, Koll, Mandeville, Musser, McDonald, O'Neil, F. A. Park, Pratt, Ring, Rowan, Stevenson, Sweasey, Sweetland, Tallmadge, Tivy and Van Cleft—30.

So the House struck out the 15th of April.

Mr. Ewer moved to fill the blank with the first day of May, and Messrs. French, Ewer and Tivy demanded the yeas and nays.

## YEAS.

Messrs. Anderson, Ashley, Bowie, Burton, Carr, Cornwall, Ewer, Godard, Hagans, Hastings, Henry, Houghtaling, Hunter, James, Mandeville, McGee, J. W. Park, Spencer, Stemmons, Stevenson, Sweetland, Tivy, Van Cleft, Warmcastle, Whipple and Whitman—26.

## NAYS.

Messrs. Bennett, Bradford, Clingan, Conness, Dannels, Davidson, Dawley, Fairfield, French, Green, Griffith, Herbert, Hoff, Hollister, Horr, Hoyt, Hubbard, Hubert, Irwin, Jones, Kellogg, Koll, Letcher, Musser, Myres, McBrayer, McDonald, McDaniel, McKinney, Noel, O'Neil, F. A. Park, Pratt, Purdy, Ring, Rowan, Sweasey and Tallmadge—38.

So the House refused to fill the blank with the first of May next.

The question then came up upon the motion of Mr. Bradford, to fill the blank with the 8th day of May as the day of adjournment, and Messrs. Bradford, Hubbard and Ewer demanded the yeas and nays.

## YEAS.

Messrs. Anderson, Bowie, Bradford, Burton, Carr, Clingan, Cornwall, Ewer, Hagans, Hastings, Henry, Herbert, Houghtaling, Hunter, James, Letcher, Mandeville, McDaniel, McGee, Noel, J. W. Park, Spencer, Stemmons, Sweetland, Tivy, Van Cleft, Warmcastle, Whipple and Whitman—29.

## NAYS

Messrs. Ballou, Bennett, Carrillo, Conness, Dannels, Davidson, Dawley, Fairfield, French, Godard, Green, Griffith, Hoff, Hollister, Horr, Hoyt, Hubbard, Hubert, Irwin, Jones, Kellogg, Koll, Musser, Myres, McBrayer, McDonald, O'Neil, F. A. Park, Pratt, Purdy, Ring, Rowan, Sweasey and Tallmadge—34.

So the House refused to adopt the 8th of May as the day of adjournment.

The question then came up upon the motion of Mr. French, to fill the blank with the 15th day of May next as the day of adjournment.

Agreed to.

The resolution, as amended, was then adopted.

The hour of 12. The special order was taken up for consideration, which was Assembly bill No. 102, for an Act for the better development of the mineral resources of California.

On motion of Mr. Burton, the House resolved itself into Committee of the Whole, Mr. Burton in the chair, to consider the bill; after spending some time in the consideration of the bill, and reading the same.

On motion, the committee rose, reported the bill back without amendment, recommended that the bill be indefinitely postponed, and the committee discharged from its further consideration.

The committee was discharged.

Mr. O'Neil moved a call of the House.

The call was sustained.

The roll was called, and the following members were absent:

Messrs. Ashley, Bowie, Dawley, Ewer, French, Godard, Hagans, Hastings, Henry, Hoff, Horr, Hoyt, Hubbard, Koll, Musser, McBrayer, Nichols, Noel, J. W. Park, Purdy, Stevenson, Stowe, Sweasey, Warmcastle and Mr. Speaker.

The Sergeant-at-Arms was dispatched after absent members.

Messrs. Hastings, Stevenson, Musser, McBrayer, French, Horr, and Hoff appeared, were admitted within the bar, and excused.

On motion of Mr. Dannels, further proceedings under the call was dispensed with.

The question was then taken upon the recommendation of the committee to indefinitely postpone the bill, and Messrs. Mandeville, Burton, and Herbert demanded the yeas and nays.

Mr. McDaniel moved to lay the bill on the table.

Not agreed to.

The vote was then taken.

#### YEAS.

Messrs. Anderson, Ballou, Bradford, Burton, Carr, Conness, Cornwall, Dannels, Davidson, Ewer, Fairfield, French, Griffith, Hagans, Hastings, Henry, Hollister, Irwin, Jones, Kellogg, Myres, Noel, O'Neil, F. A. Park, Pratt, Sweasey, Sweetland, Tivy, Van Cleft and Mr. Speaker—30.

#### NAYS.

Messrs. Clingan, Herbert, Hoff, Houghtaling, James, Letcher, Mandeville, Musser, McDonald, McDaniel, McGee, J. W. Park, Ring, Rowan, Spencer, Stemmons, Stevenson and Whipple—18.

So the bill was indefinitely postponed.

Mr. Stowe gave notice that, at an early day, he would introduce a bill to amend an Act entitled an Act to regulate proceedings in Civil Cases in the Courts of Justice in this State.

Also, a bill to provide for the construction of a wharf in the county of Santa Cruz.

Also, a bill to grant to Jas. R. Beales, the right to construct a toll bridge across the Pajaro river.

Mr. Stemmons gave notice that, on to-morrow, he would introduce a bill to prevent stallions, over two years old, from running at large.

Mr. Henry gave notice that, on to-morrow, he would introduce a bill for an Act authorizing the Court of Sessions of Mariposa county, to levy a special tax for the support of the Indigent Sick of said county.

On motion of Mr. Letcher, Assembly bill No. 142, an Act to establish and regu-

Common Schools, and to repeal former Acts concerning the same was taken the table.

First amendment made in Committee of the Whole, concurred in by the House. Second amendment, Mr. McDaniel moved to strike from the amendment the word of Calaveras.

Agreed to.

A motion of Mr. O'Neil, the House concurred in the amendments made in Committee of the Whole, generally.

Mr. Myres moved to lay the bill on the table.

Not agreed to.

A motion of Mr. Letcher, the bill was made the special order for 12 o'clock to-morrow.

A motion of Mr. Myres, Assembly bill No. 214, an Act to regulate proceedings in Civil Cases was taken from the table, and referred to Judiciary Committee of the Houses.

A motion of Mr. Kellogg, the House adjourned until 10 o'clock to-morrow.

## HOUSE OF ASSEMBLY.

SATURDAY April 15, 1854.

House met pursuant to adjournment.

The roll was called, and the following members were absent:

Messrs. Conness, Cornwall Gilbert, Griffith, Herbert, Hoff, Hubbard, McKinney, A. Park, J. W. Park, Pratt, Purdy, Rowan, and Springer.

Mr. Irwin moved to dispense with the reading of the Journal of yesterday.

Agreed to.

An motion, indefinite leave of absence was granted to Mr. Hoff, and for three days to Mr. Springer.

Mr. Carrillo moved to adjourn. Not agreed to.

Mr. Ballou moved to reconsider the vote which dispensed with the reading of the Journal.

Mr. French moved to adjourn. Not agreed to.

Mr. Conness moved to lay the motion to reconsider on the table. Not agreed to.

Mr. Jones moved to adjourn, upon which Messrs. Ashley, Mandeville and Jones ended the yeas and nays.

YEAS.

Messrs. Anderson, Ballou, Carrillo, Dawley, Fairfield, Griffith, Henry, Jones, Kellogg, Koll, Musser, Stemmons, Sweetland and Mr. Speaker—14.

NAYS.

Messrs. Ashley, Bennett, Bowie, Bradford, Burton, Carr, Conness, Cornwall, French, Godard, Green, Hagans, Hastings, Hollister, Horr, Houghtaling,



Hoyt, Hubert, Hunter, Irwin, James, Letcher, Mandeville, Myres, McB McDonald, McDaniel, McGee, McKinney, Noel, O'Neil, Pratt, Ring, R Spencer, Stowe, Sweasey, Tallmadge, Tivy, Van Cleft, Warmcastle, Whipple Whitman—44.

So the House refused to adjourn.

Mr. Ballou then withdrew the motion to reconsider.

The following message was received from the Senate :

I am instructed to inform the Assembly that the Senate passed, yesterday, for an Act to submit the question of the removal of the County Seat of El Dorado county to the voters thereof.

And the Senate have just adopted the resolution, in which the concurrence of the Assembly is asked, to adjourn, in respect to the decease of the mother of the Governor of this State, intelligence of which has this day been received.

JOHN Y. LIND, Secretary

Senate Concurrent Resolution, above reported, concurred in by the Assembly the following vote ; Messrs. O'Neil, Ashley and McBrayer demanding the same.

#### YEAS.

Messrs. Anderson, Ballou, Bradford, Carr, Carrillo, Clingan, Conness, Davidson, Dawley, Ewer, Fairfield, French, Godard, Griffith, Hastings, Hollister, Houghtaling, Hoyt, Hubert, Irwin, James, Jones, Kellogg, Koll, Mandeville, Musser, Myres, McBrayer, McDonald, McDaniel, McGee, McKinney, O'Neil, J. W. Park, Pratt, Ring, Rowan, Spencer, Stowe, Sweetland, Tallmadge, Tivy, Van Cleft, Warmcastle, Whipple and Mr. Speaker—49.

#### NAYS.

Messrs. Ashley, Bennett, Bowie, Burton, Cornwall, Green, Hagans, Lett, Stemmons, Stevenson, Sweasey and Whitman—12.

So the House adjourned until 10 o'clock on Monday next.

### HOUSE OF ASSEMBLY.

MONDAY, April 17, 188

House met pursuant to adjournment.

The roll was called and the following members were absent :

Messrs. Bennett, Bowie, French, Gilbert, Green, Griffith, Herbert, Horr, Houghtaling, Hubbard, Hubert, Hunt, Irwin, James, Jones, McDuffie, McGee, McF. A. Park, Rowan, Tallmadge, and Mr. Speaker.

The Journals of Friday and Saturday last were read and approved.

motion, leave of absence was granted, for one day to Messrs. Hunt, Fairfax, Briggs two days, McGee ten days, Sweetland, indefinite leave, in consequence of ill health; Jones one day, Bennett two days, and McDuffie, indefinite in consequence of illness.

Hollister presented a petition numerously signed by citizens of El Dorado, for the passage of a law to authorize Wm. Bartlett to charge toll on a bridge by himself across the south fork of the American river.

Petition read and referred to Committee on Roads and Highways.

Letcher introduced a bill for an Act to incorporate a State Agricultural So-

ciety. It was read a first and second time, 240 copies ordered to be printed, and the bill referred to Committee on Agriculture.

Van Cleft introduced a bill for an Act to amend section seventh of an Act to amend an Act concerning the office of Surveyor General.

It was read a first and second time, and referred to Committee on Public Lands.

McKinney introduced a bill for an Act concerning Gaming.

It was read a first and second time and referred to Committee on Judiciary.

Whipple made the following report:

The Committee of Ways and Means, to whom was referred Assembly bills 232 and 257, both entitled an Act to provide for the survey of a portion of the northern boundary of this State, have had the same under consideration, and recommend the passage of bill 257, and that bill 232 do not pass.

Assembly bill 257 taken up for consideration.

On motion of Mr. Bradford, the House resolved itself into Committee of the Whole, Mr. Bradford in the chair, to consider the bill; after spending some time in consideration of the bill and amending the same,

on motion, the committee rose, reported the bill back as amended, and asked to be discharged from its further consideration.

The committee was discharged.

The amendments made in Committee of the Whole were concurred in by the House.

The bill considered as engrossed, read a third time and passed.

Assembly bill No. 232, an Act to provide for the survey of a portion of the northern boundary of this State.

It was read a third time and indefinitely postponed.

Dannels, chairman, made the following report:

The Committee on Indian Affairs have had under consideration certain documents in reference to claims of citizens of this State for damages sustained in consequence of the action of the United States Indian Commissioners, with accompanying Senate resolutions in relation to the same subject, they have directed me to report back to the House, and recommend the passage of the resolutions.

On motion of Mr. Bradford, the resolution was referred back to the Committee on Indian Affairs.

Dawley, chairman, made the following report:

The Committee on Commerce and Navigation having had under consideration Assembly bill No. 127, entitled an Act granting to the city of Benicia the water of said city, have given the same careful attention, and beg leave to submit the following report:

Our committee are of opinion that in the present embarrassed condition of the finances of the State, it is necessary for her to be *just* before she is generous; and

in view of the fact that the public property of the State has already been pledged for the liquidation of her present indebtedness, it would not only be unjust to the creditors of the State, but following an unjust and impolitic precedent, and in lieu of giving the property of State away for any purpose whatever, her resources should be carefully husbanded until the proper time arrives for the disposal of her property when the proceeds should be applied as at present contemplated by law.

Your committee, therefore, report the bill back to the House, and recommend that it do not pass.

Report read: no action upon the bill: subsequently taken up and made subject of order for Monday next at 12 o'clock.

The hour of 12. The special order. Senate bill No. 62, an Act to amend and to entitle an Act dividing the State into counties and establishing the seats of justice therein, taken up for consideration.

Mr. Letcher moved to pass over, for the present, the special order of the day. Not agreed to.

Mr. McDaniel moved to amend the 13th section by striking out the South Fork and inserting the "North Fork," and Messrs. Ballou, McDonald and Springer demanded the yeas and nays.

## YEAS.

Messrs. Bowie, Bradford, Burton, Carr, Carrillo, Clingan, Gordon, Griffith, Hagans, Henry, Houghtaling, Hunter, James, Mandeville, McDonald, McDaniel, Pratt, Rowan, Stemmons, Stowe, Sweasey, Van Cleft, Warmcastle, Whipple, Whitman—26.

## NAYS.

Messrs. Anderson, Ballou, Conness, Dannels, Dawley, Fairfield, Godard, Hubert, Jones, Koll, McBrayer, O'Neil, Springer, Stevenson, Tallmadge and Whipple—17.

So the amendment was adopted.

Mr. McDonald moved to reconsider the vote just taken.

Mr. Conness moved a call of the House, and Messrs. Conness, Springer and Whipple demanded the yeas and nays.

## YEAS.

Messrs. Anderson, Ballou, Clingan, Conness, Dannels, Dawley, Fairfield, Godard, Hoyt, Hubert, Jones, Koll, Letcher, Myres, McDonald, Noel, O'Neil, Springer, Stevenson, Tallmadge, Tivy and Whipple—23.

## NAYS.

Messrs. Bowie, Bradford, Burton, Carr, Carrillo, Cornwall, Gordon, Griffith, Hagans, Henry, Houghtaling, Hunter, James, Lindsey, Mandeville, McDaniel, W. Park, Pratt, Rowan, Stemmons, Stowe, Sweasey, Van Cleft and Whitman.

So the call was not sustained.

On the motion to reconsider, Messrs. Tallmadge, Conness and Ballou demanded the yeas and nays.

AYES.

Messrs. Anderson, Ashley, Ballou, Conness, Dannels, Dawley, Fairfield, Godard, Horr, Hoyt, Hubert, Jones, Kellogg, Koll, McDonald, O'Neil, Ring, Springer, Stevenson, Tallmadge and Tivy—21.

NAYS.

Messrs. Bowie, Bradford, Burton, Carr, Carrillo, Clingan, Cornwall, Gordon, Griffith, Hagans, Henry, Houghtaling, Hunter, James, Letcher, Lindsey, Mandeville, Myres, McDaniel, Noel, J. W. Park, Pratt, Rowan, Stemmons, Stowe, Sweasey, Van Cleft, Warmcastle, Whipple and Whitman—30.

So the House refused to reconsider the vote.

Mr. Conness moved to lay the bill on the table.

Agreed to.

Mr. Davidson made the following report :

The committee to whom was referred Assembly bill in relation to the supplies of fuel and other contingent expenses of the Legislature, have had the same under consideration, and beg leave to report the same back to the House and recommend its passage.

T. B. DAVIDSON,  
FRANCIS ANDERSON,  
HANNIBAL HOLLISTER.

On motion of Mr. Conness, the House resolved itself into Committee of the Whole, Mr. Bradford in the chair, to consider the bill ; after spending some time in its consideration, the committee rose, reported the bill back without amendment, and asked to be discharged from its further consideration.

The committee was discharged.

On motion of Mr. Hoyt, the bill was re-committed to the committee on Accounts, with instructions to inquire into the amount already drawn for contingent expenses ; for what paid, and the amount remaining undrawn as a contingent fund for the legislative department, and the probable amount of contingent fund that will be required, if any, and for what purpose.

Mr. Jones made the following report :

The Judiciary Committee, to whom was referred Senate Bill, No. 114, entitled an Act allowing the Court of Sessions of Yuba county to levy a special tax for the support of the Indigent Sick of said county, have had the same under consideration, and report the same back without amendment, and recommend its passage.

Senate Bill, No. 114, above reported,

Read a third time and passed.

The following message was received from the Governor :

EXECUTIVE DEPARTMENT, }  
Sacramento City, April 17, 1854. }

*To the Senate and Assembly of California :*

Since the commencement of the present session, I have carefully examined the provisions of an Act of Congress, approved September 28th, 1850, entitled an Act to enable the State of Arkansas, and other States, to reclaim the Swamp Lands within their limits ; as well as the instructions given by the proper officers of the General Government in relation to the selection of the lands donated by the Act.

The Act makes it the duty of the Secretary of the Interior, as soon as practica-



ble, to make out accurate lists, and plats, and of the lands described "as Swamp and overflowed," "and to transmit the same to the Governors of the several States interested; and at the request of the Governors, cause a patent to be issued to the States therefor, and on the patent, so issued, the fee simple to said lands shall vest in the States, subject to the disposal of the Legislatures thereof."

And it further provides, "that in making out lists and plats of the lands aforesaid, all legal subdivisions, the greater part of which is wet and unfit for cultivation, shall be included in said lists and plats, but when a greater part of a subdivision is not of that character, the whole of it shall be excluded."

The 4th section of the Act extends its provisions to each of the other States of the Union containing swamp or overflowed lands.

This important subject has engaged the attention of all the other States interested. In Ohio, Indiana, Louisiana, and Florida, selections have been made based upon evidence filed in the office of the Surveyor General, by the State authorities. In Illinois, Missouri, Alabama, Mississippi, Michigan, Arkansas, and Wisconsin, selections have been made by the Surveyor General based upon the field notes and evidence procured by the State authorities.

Although, in several of the States above named, full returns have not been made, the whole number of acres selected and reported is 28,156,670, as follows:—Ohio 25,720; Indiana 1,255,038; Illinois 1,833,412; Missouri 1,517,287; Alabama 2,136,450; Mississippi 2,239,932; Louisiana 9,164,922; Michigan 4,544,189; Arkansas 4,807,673; Florida 1,000,763; Iowa 71,958; Wisconsin 1,259,269 acres. The whole number of acres of land in California, is estimated at 120,947,840, of which it is believed about the tenth part is swamps, or "subject to overflow," amounting in the aggregate to 12,094,784 acres.

The authorities of the United States in the designation of the swamp and overflowed lands, in the absence of other satisfactory evidence, it is proper to state, will take the field notes of the Surveyor *alone* as the basis from which to make out lists or plats.

Selections based upon the field notes alone, must, necessarily, be very imperfect, and would deprive the State of California of a large portion of the best lands to which she is entitled under the Act, for the reason that the surveys may have been made at different periods in wet and dry seasons, and the field notes would therefore, only indicate what is swamp, and what lands were actually under water at the time of the survey. The field notes made in dry seasons, would of course furnish no evidence as to whether lands are or are not "subject to overflow."

In order, therefore, to secure the State of California all the lands within her limits "*subject to overflow*," and to which she is justly entitled under the Act, it will be necessary to authorize the agents of the State to procure and present to the proper officers of the General Government satisfactory testimony on the subject.

The Commissioner of the General Land Office, on the 21st of November, 1850, issued instructions to the Surveyor General of Florida, and officers in other States, in relation to the selections of lands granted under the Act of September 28, 1850.

The instructions of the Commissioner indicate a disposition on the part of the General Government to render all the aid possible, to enable the several States interested to secure and reclaim the lands "*subject to overflow*," situated within their limits.

Although a portion of these lands are, at present, perhaps, of but little value to the State, they will, in time, be a source of much revenue to the Treasury, and their reclamation add greatly to the wealth and prosperity of California.

Proper measures should, therefore, at once be adopted to secure all the lands granted, and judicious legislative measures matured for their disposal by agents of the State, with such limitations, restrictions, and requirements as may be regarded as necessary to protect the rights of all interested, and insure their speedy reclamation.

The instructions of the Commissioner of the General Land Office, direct the several Surveyor Generals to regard as granted, by the Act above referred to, "all lands, which from being swampy or *subject to overflow*," are unfit for cultivation, and in which class are to be included, also, "all lands which, though dry part of the year, are subject to inundation at the *planting, growing*, or harvesting seasons, so as to destroy the crop, and, therefore, are unfit for cultivation," taking the average of seasons for a reasonable number of years, as the rule of determination.

This is certainly a very liberal construction of the Act, and proper legislation to procure testimony on the subject will secure to the State of California millions of acres of the most productive lands within the limits of the State.

In a letter to Governor Brown, of Florida, inclosing a copy of the instructions above referred to, the Commissioner of the General Land Office says: "You will perceive that by these instructions, the Surveyor General is authorized to receive such reliable evidence of the character of any of these lands, as may be presented by authorities of the State, and as many of the lands were surveyed at dry seasons, and hence are not represented by the descriptive notes or plats as being of that character. I have supposed it a matter of sufficient importance to induce you to call upon the County Surveyors, or other respectable persons of your State, for statements under oath, in relation to the swamp or overflowed lands in their respective counties, such testimony will be regarded as establishing the facts in the case, &c."

In conclusion, I would most earnestly recommend the passage of an Act authorizing testimony to be taken and presented to the United States Surveyor General in relation to overflowed lands, in accordance with the suggestion of the Commissioner of the General Land Office, so as to secure to the State a title to all lands within her limits "subject to overflow." And also, an Act authorizing the agents of the State to dispose of all such lands, and to provide for their speedy reclamation.

The subject is commended to your early and favorable consideration as one of vast importance to the interests and prosperity of the people and State of California.

JOHN BIGLER.

On motion of Mr. Griffith, the message of the Governor was referred to a select committee of three, with instructions to report a bill.

Messrs. Griffith, James and Hastings were appointed said committee.

Mr. Fairfield moved to print 240 copies of the Governor's message.

Not agreed to.

Mr. McBrayer introduced a Concurrent Resolution in reference to certain abolition documents which had been directed to the members of the present Legislature, requesting the Governor of this State to send copies of these resolutions to the parties whose names were attached to the papers in question.

Mr. Jones moved to indefinitely postpone the resolutions, and Messrs. McBrayer, Tallmadge and Henry demanded the yeas and nays.

Mr. Conness moved to postpone the consideration of the resolution until the 15th day of June, and make it the special order for that day.

The Speaker, Mr. Mandeville in the chair, decided the motion out of order, as it amounted to an indefinite postponement, which was equivalent to the motion under consideration, from which decision Mr. Conness appealed.

The question was then put, "Shall the decision of the Chair stand as the judgment of the House?"

The decision of the Chair was sustained by the House.

Mr. Conness moved to refer the bill to the Committee of the Whole, and make it the special order for the 13th day of May next.

Not agreed to.

Mr. Fairfield moved to adjourn.

Not agreed to.

The question then came up upon the motion to indefinitely postpone, upon which the yeas and nays had been demanded.

AYES.

Messrs. Anderson, Ashley, Ballou, Burton, Conness, Cornwall, Fairfield, Godard, Hubert, Jones, Kellogg, Koll, Letcher, Springer, Sweasey, Tallmadge and Tivy—17.

NAYS.

Messrs. Bradford, Carr, Carrillo, Clingan, Davidson, Dawley, Gordon, Griffith, Hagans, Hastings, Henry, Houghtaling, Hunter, Irwin, Lindsey, Mandeville, Musser, Myres, McBrayer, McDonald, McDaniel, McKinney, Noel, O'Neil, J. W. Park, Rowan, Stemmons, Stowe and Whitman—29.

So the House refused to indefinitely postpone.

On the passage of the resolutions, Mr. Kellogg demanded the previous question.

The previous question was sustained, and Messrs. Myres, McBrayer and Kellogg demanded the yeas and nays.

YEAS.

Messrs. Bradford, Carr, Clingan, Davidson, Dawley, Gordon, Griffith, Hagans, Hastings, Henry, Houghtaling, Hunter, Irwin, Lindsey, Mandeville, Musser, Myres, McBrayer, McDaniel, McKinney, Noel, O'Neil, J. W. Park, Rowan, Stemmons, and Stowe—26.

NAYS.

Messrs. Anderson, Ashley, Ballou, Bostwick, Burton, Conness, Cornwall, Fairfield, Godard, Hollister, Hubert, Jones, Kellogg, Koll, Letcher, McDonald, Purdy, Ring, Springer, Sweasey, Tivy and Whipple—22.

So the resolution passed.

On motion of Mr. Bradford, 240 copies of Assembly bill 248 was ordered to be printed.

Mr. O'Neil, chairman, made the following report :

The Committee on Engrossments have examined and find correctly engrossed, an Act to fund the debt of the county of Solano, and to provide for the payment thereof.

Mr. Hunter gave notice that at an early day he would introduce a bill to amend an Act entitled an Act to regulate Rodeos, approved April 30, 1851.

On motion of Mr. Daniels, a bill for an Act amendatory of an Act to provide for the protection of foreigners and to define their liabilities and privileges, was taken from the table and made the special order for to-morrow at 11 o'clock.

On motion of Mr. Bradford, Assembly bill, an Act to fix the times of holding elections for Representatives to Congress, was taken from the table and made special order for Friday next, at 12 o'clock.

Mr. Letcher moved to go into consideration of Assembly bill No. 142, an Act to establish and regulate Common Schools; pending the motion,

Mr. Godard moved to adjourn, which was agreed to.



## HOUSE OF ASSEMBLY.

TUESDAY, April 18, 1854.

House met pursuant to adjournment.

The roll was called, and the following members were absent :

Messrs. Bagley, Carr, Dannels, Dawley, Fairfield, French, Gilbert, Green, Griffith, Hubert, Irwin, McDonald, McKinney, Nichols, F. A. Park, Rowan, Stowe and Van Cleft,

The Journal of Monday was read and approved.

On motion, leave of absence was granted to Mr. Carr for one day ; to Mr. Dannels for one day ; to Mr. McDonald for two days, and to Mr. French for one day

Mr. Whitman presented a petition, numerously signed by citizens of Solano county, praying for the passage of a law to authorize Larkin Richards to build a wharf in said county

Petition read.

Mr. Watkins presented a petition, numerously signed by citizens of Alameda county, praying for the passage of a law to authorize the improvement of Alameda river.

Read, and referred to Committee of Commerce and Navigation.

Mr. Whitman introduced a bill for an Act to provide John S. Bradford with duplicate warrants, in lieu of certain warrants lost or destroyed.

Read a first and second time, and referred to Committee on Claims.

Mr. Stowe introduced the following bills :

An Act to amend an Act entitled an Act to regulate proceedings in civil cases in courts of justice of this State, passed April 29, 1851.

Read a first and second time, and referred to Joint Committee of the Judiciary of both Houses.

Also, an Act granting Joseph R. Beals and others the right to construct a toll bridge across the Pajaro river.

Read a first and second time, and referred to Committee on Roads and Highways.

Mr. Herbert introduced a bill for an Act to create a Board of Commissioners to investigate and recover the State's right to the Leidesdorff estate.

Read a first and second time, and referred to Committee of Ways and Means.

Mr. Hastings introduced a bill for an Act to protect the owners of wood and wood yards against the illegal acts of steamboat officers and masters.

Read a first and second time, and referred to Committee on Commerce and Navigation.

Mr. Spencer introduced a bill for an Act to provide for the relief of the indigent sick in the several counties of this State, and to repeal an Act entitled an Act to provide for the establishment of a State Marine Hospital.

Read a first and second time, 240 copies ordered to be printed, and the bill referred to Committee on State Hospital.

Mr. Whitman introduced a bill for an Act to authorize Larkin Richardson to build a wharf in Solano county.

Read a first and second time, and referred to Committee on Commerce and Navigation.

Mr. Herbert, chairman, made the following report :

The Committee of Ways and Means, to whom was referred Senate bill No. 26,



an Act concerning the Comptroller and Treasurer's offices, have had the same under consideration, and ask leave to report it back with amendments, and recommend the passage of the bill as amended.

The amendments proposed by the committee were concurred in by the House.

The hour of 11 o'clock. The special order was taken up for consideration, which was a bill for an Act amendatory of an Act to provide for the protection of foreigners, and to define their liabilities and privileges.

On motion of Mr. Dannels, the House resolved itself into Committee of the Whole, Mr. Dannels in the chair, to consider the bill; after spending some time in its consideration and amending the same,

On motion, the committee rose, reported the bill back as amended, and asked to be discharged from its further consideration, and recommend the passage of the bill.

The committee was discharged.

The amendments made in Committee of the Whole concurred in by the House.

The bill considered as engrossed, read a third time and passed.

Senate bill No. 26, which was under consideration at 11 o'clock, was again taken up for consideration.

The bill was read a third time and did not pass.

Mr. O'Neil, chairman, made the following report :

The Committee on Engrossment have examined, and find correctly engrossed, an Act to provide for the survey of a portion of the Northern boundary of this State.

Mr. Tivy, chairman, made the following report :

The Joint Committee on Enrolled Bills have examined, and find correctly enrolled, the following Acts, viz :

An Act to incorporate the town of Alameda.

An Act to locate the county seat of Sonoma county anew.

An Act to repeal an Act entitled an Act to authorize the Treasurer of State to make special deposits, passed May 4, 1852.

An Act to authorize the redemption of State Prison Bonds, and to dispose of the special fund heretofore provided for their redemption; and

An Act to submit the question of the removal of the county seat of El Dorado county to the voters thereof.

Mr. Spencer, chairman, made the following report :

The Special Committee, to whom was referred Assembly bill No. 224, entitled an Act to fund that portion of the debt of Trinity county, accruing previous to May 12, 1853, apportioned to Humboldt county, and to provide for the payment thereof, having carefully examined the same, beg leave to report it back with an amendment, of which they recommend the adoption, and the passage of the bill.

The amendments proposed by the committee concurred in by the House.

The bill considered as engrossed, read a third time and passed.

The Speaker laid before the House a communication from the Secretary of State in answer to a resolution from the Assembly in reference to stationery and other articles for the use of the Legislature; together with a copy of a bond of Messrs. Marvin & Hitchcock, and a schedule of prices for articles furnished for the use of the Legislature.

The communication was read, and on motion of Mr. Conness, the communication and accompanying papers, together with a bill heretofore introduced upon the same subject, was referred to a special committee of three, Messrs. Letcher, Tallmadge and Whipple were appointed said committee.

Mr. Fairfield moved to reconsider the vote which refused to pass Senate bill No. 6, an Act concerning the Comptroller and Treasurer's officer.

Not agreed to.

On motion of Mr. Ashley, the House proceeded to consider Assembly bill No. 42, an Act to establish and regulate Common Schools, and to repeal former Acts concerning the same.

Mr. Carrillo offered a substitute to the 31st section of the bill to allow private schools to be created, and derive a portion of the school moneys for their support.

Mr. Whitman moved to strike out all after the word "bias" in the 31st section, fifth line, and Messrs. Ashley, Mandeville and Fairfield demanded the yeas and nays.

YEAS.

Messrs. Anderson, Bowie, Carr, Carrillo, Conness, Hunt, Nichols, J. W. Park, Ring, Rowan, Stemmons, Warmcastle and Whitman—13.

NAYS.

Messrs. Ashley, Ballou, Bradford, Briggs, Burton, Clingan, Davidson, Fairfield, Gilbert, Gordon, Griffith, Hagans, Hastings, Hollister, Houghtaling, Hubbard, Hubert, Irwin, James, Jones, Kellogg, Letcher, Lindsey, Mandeville, Myres, McBrayer, McDaniel, McKinney, Noel, O'Neil, F. A. Park, Pratt, Spencer, Stowe, Sweasey, Tallmadge, Tivy, Van Cleft, Watkins and Mr. Speaker—40.

So the amendment was not adopted.

The question was then taken upon the motion made by Mr. Carrillo to amend the 31st section of the bill, upon which Messrs. Mandeville, Letcher, and Pratt demanded the yeas and nays.

YEAS.

Messrs. Bowie, Carr, Carrillo, Irwin, McBrayer, Nichols, J. W. Park, Rowan and Whitman—9.

NAYS.

Messrs. Anderson, Ashley, Ballou, Bostwick, Bradford, Briggs, Burton, Clingan, Conness, Davidson, Fairfield, Gilbert, Hagans, Hastings, Henry, Hollister, Houghtaling, Hubbard, Hubert, Hunt, Jones, Letcher, Lindsey, Mandeville, Myres, McDaniel, McKinney, Noel, O'Neil, F. A. Park, Pratt, Spencer, Springer, Stemmons, Stowe, Tallmadge, Tivy, Van Cleft, Watkins, Whipple and Mr. Speaker—41.

So the amendment was not adopted.

Mr. Whitman moved to strike out the 32d section of the bill.

Not agreed to.

Mr. Jones demanded the previous question.

The previous question was sustained.

The bill was then read a third time, and upon the passage of the bill, Messrs. Hubbard, Ashley and Letcher demanded the yeas and nays.

YEAS.

Messrs. Anderson, Ashley, Ballou, Bostwick, Bowie, Briggs, Burton, Clingan, Dannels, Davidson, Fairfield, Gilbert, Gordon, Griffith, Hagans, Henry, Hollister, Houghtaling, Hubbard, Hubert, James, Jones, Kellogg, Koll, Letcher, Lindsey,

Mandeville, Musser, Myres, Nichols, Noel, O'Neil, F. A. Park, Pratt, Purdy, Spencer, Springer, Stowe, Sweasey, Tallmadge, Tivy, Warmcastle, Watkins and Mr. Speaker—44.

## NAYS.

Messrs. Carrillo, Conness, Hunt, J. W. Park, Ring, Rowan, Stemmons, Van Cleft, Whipple and Whitman—10.

So the bill passed.

Mr. Myres moved to amend the title of the bill.

Not agreed to.

Mr. Ashley gave notice that he would, at an early day, introduce a bill for an Act to prevent changing the names of steamboats and other vessels.

Mr. Nichols gave notice, that at an early day he would introduce a bill for an Act for the protection of contractors and laborers, and to provide a lien therefor.

Mr. Griffith gave notice, that at some early day, he would introduce a bill for an Act to protect those who have located land under land warrants.

On motion of Mr. Kellogg, Assembly bill No. 181, an Act concerning the organization of the militia, was taken from the table, and,

On motion of Mr. Dannels, the House resolved itself into Committee of the Whole, Mr. Dannels in the chair, to consider the bill; after spending some time in its consideration, and amending the same,

On motion, the committee rose, reported the bill back as amended, and asked to be discharged from its further consideration.

The committee was discharged.

Mr. Ballou moved to amend first amendment by striking out 28th of March, and insert 10th of January. Agreed to.

Second amendment, adopted in Committee of the Whole, concurred in by the House.

Mr. Conness moved to amend the 11th section, providing for the payment of the Quartermaster General. Agreed to.

Mr. Hagans moved to amend the 14th section by striking out five cents where it occurs, and insert three. Not agreed to.

The bill was then considered as engrossed, read a third time and passed.

The following message was received from the Governor:

I have the honor herewith to transmit, and commend to your early attention, a copy of a communication, received to-day, from Hon S. A. McMeans, State Treasurer.

JOHN BIGLER.

The communication was read and referred to Judiciary Committee.

On motion of Mr. Whitman, the House adjourned until 10 o'clock, to-morrow.

## HOUSE OF ASSEMBLY.

WEDNESDAY, April 19, 1854.

House met pursuant to adjournment.

The roll was called, and the following members were absent :

Messrs. Bagley, Conness, French, Gilbert, Godard, Griffith, Hastings, Henry, Hoff, Hoyt, Hubert, Irwin, Koll, McBrayer, McGee, McKinnney, J. W. Park, Rowan, Springer, Stemmons, Sweetland, Van Cleft, and Mr. Speaker.

The Journal of Tuesday was read and approved.

On motion, indefinite leave was granted to Mr. Springer in consequence of ill health.

Mr. Dawley introduced a bill for an Act to take possession and dispose of certain water-lot property in the bay of San Francisco.

Read a first time, and 240 copies ordered to be printed.

Mr. Sweasey introduced a bill for an Act to authorize William F. McLean and George Caloway to build a wharf in the county of San Francisco, beyond the western limits of the city of San Francisco and near to said line.

Read a first time and ordered to a second reading on to-morrow.

Mr. Bradford introduced a bill for an Act to provide an office for the County Surveyor of San Joaquin county.

Read a first, second and third time, and passed.

Mr. Anderson introduced a bill for an Act to protect the rights of officers and agents of the State of California in executing the powers that are or may be enjoined on them by law, in the disposition of her real estate, or estate partaking of the reality.

Read a first and second time, and referred to Judiciary Committee.

Mr. Dawley, chairman, reported back Assembly bill No. 264, an Act to authorize Larkin Richardson to build a wharf in Solano county, and recommend the passage of the same.

The bill was considered as engrossed, read a third time, and passed.

Mr. O'Neil, chairman, made the following report :

The Committee on Engrossment have examined, and find correctly engrossed, an Act amendatory of an Act to provide for the protection of foreigners, and to define their liabilities and privileges, passed March 30, 1853.

Mr. Ewer reported back Assembly bill, No. 244, an Act to give jurisdiction to the District Court, County Court, and Justices' Courts, in Plumas county in certain cases, and recommended the passage of the same bill.

Read a third time and passed.

Mr. Stowe offered the following, which was adopted :

*Resolved*, That his Excellency the Governor, be and he is hereby requested to transmit to this House copies of all communications addressed to him in his official capacity, relating to the non-payment of the interest on the coupons due in the city of New York on the 1st January, 1854, except such as have already been sent to this House.

Mr. French gave notice that on to-morrow, or at an early day thereafter, he would introduce a bill for the disposition of certain property of the State situated in the county of San Francisco.



Assembly bill No. 246, an Act to authorize the Court of Sessions of Trinity county to levy a special tax for purposes therein named.

Read a second time, and referred to the delegation from Trinity county.

Assembly bill No. 254, an Act for the settlement of the accounts of Eugene Casserly as State Printer.

Read a third time and did not pass.

Senate bill No. 134, an Act entitled an Act for the settlement of the accounts of Eugene Casserly as State Printer.

On motion of Mr. Connes, the House resolved itself into Committee of the Whole, Mr. James in the chair, to consider the bill; after spending some time in the consideration thereof, and amending the same,

On motion, the committee rose, reported the bill back as amended, and asked to be discharged from its further consideration.

The committee was discharged.

Mr. Conness moved to concur in the amendments made in Committee of the Whole.

Agreed to.

The bill was then read a third time, and upon its passage, Messrs. Godard, Houghtaling and Griffith demanded the yeas and nays.

#### YEAS.

Messrs. Anderson, Clingan, Conness, Gilbert, Godard, Hoff, Houghtaling, Hoyt, Hubbard, Hubert, Jones, Kellogg, Koll, Letcher, Lindsey, Myres, Nichols, Purdy, Ring, Rowan, Spencer, Stowe, Sweasey, Tallmadge and Whiman—24.

#### NAYS

Messrs. Ashley, Bennett, Bostwick, Bowie, Bradford, Burton, Carrillo, Cornwall, Davidson, Ewer, Fairfield, French, Gordon, Griffith, Hagans, Henry, Herbert, Hollister, Horr, Hunt, Hunter, Irwin, James, Mandeville, McDaniel, McKinney, Noel, O'Neil, J. W. Park, Pratt, Stemmons, Stevenson, Tivy, Warmcastle, Watkins and Whipple—37.

So the bill did not pass.

Mr. French gave notice that on to-morrow he would move to reconsider the vote just taken upon the passage of the bill.

Senate bill No. 109, an Act to amend an Act to authorize the formation of limited partnerships.

Read a second time and referred to Judiciary Committee.

Assembly bill No. 242, an Act declaring the office of the District Judge of the Fourth Judicial District vacant.

Read a second time and referred to Judiciary Committee.

Assembly bill No. 225, an Act to secure the rights of appellants in the Supreme Court of this State.

Read a second time and referred to joint Judiciary Committee of both Houses.

Assembly bill No. 245, an Act to amend an Act entitled an Act concerning toll bridges, passed May 1, 1851.

Read a second time and referred to Committee on Roads and Highways.

Assembly Joint Resolution in relation to the United States Census Agents for the State of California.

Read a second time and referred to Committee on Federal Relations.

Assembly bill No. 231, an Act to prevent Hogs and Sheep from running at large certain seasons of year.

Read a second time, and referred to Committee on Agriculture.

Senate bill No. 118, an Act to authorize the Treasurer to issue duplicate Land Warrants to John D. Brower.

Read a second time and referred to Judiciary Committee.

Senate bill No. 12, an Act to repeal an Act entitled an Act to provide for the appointment of a Guager for the port of San Francisco, approved May 3, 1852.

Read a second time, and referred to Committee on Corporations.

Assembly bill No. 219, an Act to repeal section two, article two, of an Act entitled an Act to provide revenue for the support of this State.

Read a second time, and referred to Committee on Ways and Means.

Assembly bill No. 220, an Act to authorize William Roberts and others to build a wharf at Bucksport, in Humboldt county.

Read a second time, and referred to Committee on Commerce and Navigation.

Assembly bill No. 250, an Act supplementary to, and explanatory of an Act entitled an Act making appropriations for the Civil Expenses of Government of the State for the unexpired portion of the fiscal year ending on the 30th day of June, 1854, and for the first seven months of the fiscal year commencing on the 1st day of July, 1854.

Read a second time, and referred to Committee of Ways and Means.

Assembly bill No. 252, an Act to prescribe rules and regulations for the disposal of town lots in this State, under an Act of Congress, entitled an Act, &c.

Read a second time, and referred to Committee on Corporations.

Assembly bill No. 251, an Act to fix the Capital of the State.

Read a second time, and referred to Committee on Public Buildings and Grounds.

Assembly bill No. 249, an Act to declare the river Stanislaus navigable.

Read a second time, and referred to Committee on Commerce and Navigation.

Mr. Griffith introduced a bill for an Act to amend an Act entitled an Act to regulate proceedings in Civil Cases in the Courts of Justice of this State, passed April 29, 1851.

Read a first and second time, and referred to Joint Judiciary Committee of both Houses.

The following message was received from the Senate :

I am instructed to inform the Assembly that the Senate passed, yesterday, a bill for an Act defining the legal distances from each county seat in the State of California, to the State Capital at Sacramento, the State Lunatic Asylum at Stockton, and the State Prison at San Quintin.

Which is herewith respectfully submitted.

JOHN Y. LIND, Secretary.

Senate bill No. 84, above reported,

Read a first and second time, and referred to Committee on Mileage.

The hour of 12 o'clock. The special order, which was a bill for an Act concerning Roads and Highways, taken up for consideration.

On motion of Mr. Godard, the House resolved itself into Committee of the Whole, Mr. Van Cleft in the chair, to consider the bill; after spending some time in its consideration, and amending the same,

On motion, the committee rose, reported the bill back as amended, and asked to be discharged from its further consideration.

The committee was discharged.

Mr. James moved to adjourn.

Agreed to.

## HOUSE OF ASSEMBLY.

THURSDAY, April 20, 1854.

House met pursuant to adjournment.

The roll was called, and the following members were absent :

Messrs. Bagley, Bostwick, Bowie, Cornwall, Dannels, French, Gilbert, Gordon, Griffith, Herbert, Hoff, Hollister, Irwin, Kellogg, Lindsey, Myres, McBrayer, McGee, F. A. Park, J. W. Park, Rowan, Stowe, Tallmadge, Van Cleft and Whitman.

The Journal of Wednesday was read, amended and approved.

On motion, leave was granted to Mr. Kellogg for one day ; and to Mr. Hollister for one day.

Mr. Nichols introduced a bill for an Act to provide for the lien of Contractors, Sub-contractors and Laborers.

Read a first and second time, and referred to Committee on Public Buildings and Grounds.

Mr. Pratt introduced a bill for an Act creating Auctioneers, and defining their duties.

Read a first and second time, and referred to Judiciary Committee.

Mr. Warmcastle introduced a bill for an Act to fix the times for holding the terms of the District Court throughout this State.

Read a first and second time, and referred to the Judiciary Committee.

Mr. Hunter introduced a bill for an Act to regulate "Rodeos," approved April 30, 1851.

Read a first and second time, and referred to Committee on Agriculture.

Mr. Hunter also introduced a bill for an Act to amend an Act entitled an Act concerning Judges of the Plains, (Jueces de Compo) and defining their duties, passed April 25, 1851.

Read a first and second time, and referred to Committee on Agriculture.

Mr. Myres, chairman, made the following report :

The Judiciary Committee, to whom was referred Assembly Bill, No. 240, to regulate the reception and payment of Comptroller's Warrants by the State Treasurer ; also the Treasurer's communication upon the same subject, have had the same under consideration, and recommend the passage of the bill with the accompanying amendment.

Amendments to Assembly Bill, No. 240, above reported, adopted by the House. The bill read a third time, and on motion of Mr. Gordon, laid upon the table.

Mr. Dawley made the following report :

The Committee on Commerce and Navigation have had under consideration Senate Bill, No. 113, amending section 34th of the present Pilot laws.

Also, Assembly Bill, No. 112, proposing to repeal the existing law, and ask leave to report both bills back, and recommend that they do not pass.

They have also carefully examined Assembly Bill, No. 152, entitled an Act to establish Pilots and Pilot Regulations for the Port of San Francisco, amended sections 32, 3 and 4, and beg leave to report the bill back to the House, with a recommendation that the bill pass. The committee have come to this conclusion, for the reason that the proposed law is more concise in its language, embracing all of the

valuable features of the present law, and leaving out all that is objectionable. It also enabled the committee to incorporate the proposed Senate amendments, and thus give satisfaction to all parties concerned.

On motion of Mr. Conness, the House resolved itself into Committee of the Whole, Mr. Irwin in the chair, to consider the report and bills reported by the committee; after spending some time in the consideration of the subject, the committee determined to take up Assembly bill 152, as recommended by the committee; the bill was considered, amended, and reported back to the House, and the committee asked to be discharged. The committee was discharged.

Mr. Hoff moved to make the bill, and the whole subject, the special order for Tuesday next, at 12 o'clock. Agreed to.

Mr. Tivy, chairman, made the following report:

The Joint Committee on Enrolled Bills, on yesterday, the 19th inst. presented to His Excellency, the Governor, for his approval, the following Acts, viz:

An Act to repeal an Act entitled an Act to authorize the Treasurer of State to make special deposits, passed May 4th, 1852.

An Act to authorize the redemption of State Prison Bonds, and to dispose of the special fund heretofore provided for their redemption.

An Act to incorporate the town of Alameda.

An Act to locate the County Seat of Sonoma county anew.

Also, an Act to submit the question of the removal of the County Seat of El Dorado county to the voters thereof.

Mr. O'Neil, chairman, made the following report:

The Committee on Engrossments have examined and find correctly engrossed, an Act to authorize Larkin Richardson to build a wharf in Solano county.

Mr. French, agreeably to notice, moved to reconsider the vote of yesterday, which refused to pass Senate Bill, No. 134, for the settlement of the accounts of Eugene Casserly as State Printer, and Messrs. French, Dawley and Houghtaling demanded the ayes and nays.

## YEAS.

Messrs. Anderson, Bagley, Ballou, Bradford, Briggs, Burton, Carr, Carrillo, Conness, Dannels, Dawley, Ewer, Fairfield, French, Gilbert, Godard, Henry, Hoff, Horr, Houghtaling, Hoyt, Hubbard, Hubert, Irwin, Jones, Kellogg, Koll, Letcher, Lindsey, Musser, Myres, McDonald, McKinney, O'Neil, F. A. Park, Pratt, Purdy, Ring, Rowan, Spencer, Stowe, Sweasey, Tallmadge, Tivy, Van Cleft, Whitman and Mr. Speaker.—47.

## NAYS.

Messrs. Ashley, Bennett, Cornwall, Hagans, Hastings, Hunt, Hunter, Mandeville, McDaniel, Noel, J. W. Park, Stevenson Warmcastle, Watkins and Whipple—15.

So the vote was reconsidered.

Mr. French moved the previous question.

The Speaker, "Shall the main question be now put?"

And decided in the affirmative.

The vote was then taken upon the passage of the bill, and Messrs. Hubbard, French and Pratt demanded the ayes and nays.

## YEAS.

Messrs. Ashley, Ballou, Carr, Conness, Dannels, Davidson, Dawley, French,



Gilbert, Godard, Henry, Horr, Houghtaling, Hoyt, Hubbard, Hubert, Jones, Koll, Letcher, Lindsey, Musser, Myres, McDonald, McKinney, Nichols, Park, Pratt, Purdy, Ring, Rowan, Spencer, Stowe, Sweasey, Tallmadge, Van U. Whitman and Mr. Speaker—38.

## NAYS.

Messrs. Anderson, Bennett, Bowie, Briggs, Burton, Cornwall, Fairfield, Hagans, Hastings, Hunt, Hunter, Irwin, Mandeville, McDaniel, Noel, Stemmmons, Stevenson, Tivy, Warmcastle, Watkins and Whipple—23.

So the bill passed.

Mr. O'Neil moved to take up the special order, which was Assembly Bill No 53.

Not agreed to.

The following message was received from the Governor :

I have this day approved the following Acts, which originated in the Assembly to wit :

An Act to submit the question of the removal of the county seat of El Dorado county to the voters thereof.

An Act to locate the county seat of Sonoma county anew.

Also, an Act to incorporate the town of Alameda.

JOHN BIGLER

The following message was received from the Senate :

I am instructed to inform the Assembly that the Senate passed, yesterday, for an Act to provide for the payment of the compensation due certain members and attaches of the Legislature of this State.

An Act to authorise the Court of Sessions of the county of San Joaquin to levy and collect a special tax for the support and maintenance of the indigent sick of said county.

And an Act to change the name of George Davenport Parmalee to that of George Curtis Currie.

Which are herewith respectfully submitted.

JOHN Y. LIND, Secretary

Senate bill No. 144, an Act to provide for the payment of the compensation of certain members and attaches of the Legislature.

Read a first and second time and ordered to a third reading on to-morrow.

Senate bill No. 143, to levy a special tax for the support of the indigent sick of San Joaquin county.

Read a first and second time and referred to San Joaquin delegation.

Senate bill No. 152, an Act to change the name of George Davenport Parmalee to that of George Curtis Currie.

Read a first and second time and referred to Committee on Military Affairs.

The following message was received from the Governor :

EXECUTIVE DEPARTMENT,  
Sacramento City, April 20, 1854.

*To the Senate and Assembly of California :*

I have the honor herewith to transmit a copy of a communication addressed me to the chairman of the Committee on Escheated Estates, appointed by the State Board of Land Commissioners, and also a copy of the reply of the committee to

The information communicated in reply is exceedingly important, and I trust induce the Legislature, without delay, to adopt the necessary measures to secure rights of the State in the property referred to in the communication herewith submitted, as well as the Leidesdorff estate, to which your attention was some time directed by special message.

JOHN BIGLER.

EXECUTIVE DEPARTMENT,  
Sacramento City, March 31, 1854.

TICKERING, ESQ.,

Dear Sir:—A few days since it was intimated to me, by an attorney, that there another large escheated estate in the city of San Francisco. This morning I inquired of Dr. Hermance on the subject, who advised me to communicate with you, you are chairman of the Committee on Escheated Estates. At this time it is important that I should possess all the information on the subject of the Leidesdorff estate, as well as all others of the kind possible to be obtained. I hope you will make inquiry and write me on the subject without delay.

Very respectfully, yours, &c.,

JOHN BIGLER.

The communication accompanying the Governor's message, read and referred to the Judiciary Committee.

Mr. Ashley gave notice that on to-morrow he would move to reconsider the vote which passed the Senate bill to settle the accounts of Eugene Casserly.

The Speaker decided the notice to reconsider out of order, stating that the bill passed yesterday, reconsidered to-day and passed, from which decision Mr. Ashley appealed.

The question was then put, "Shall the decision of the chair stand as the judgment of the House?"

and decided in the affirmative

Mr. Dannels, chairman, made the following report:

The Select Committee, composed of the delegation from Yuba, to whom was referred a bill for an Act entitled an Act providing that the Courts of Sessions of Yuba County shall be empowered to levy and cause to be collected, a special tax for the purpose of erecting public buildings and the improvement of public grounds in said County, and for the disposal of public property for the same purpose, have had the same under consideration, and have directed me to report the same back to the Senate and recommend its passage.

Senate bill No. 112, above reported, read a third time and passed.

Mr. French made the following report:

The minority of the committee, to whom was referred the bill providing for the regulation of Fees in Office, beg leave to report that they cannot recommend the passage of the bill framed by the majority of said committee and presented to the Senate. We think that the change in the tariff of charges agreed upon in committee will work great and serious evils, and will so operate, if this change be perfected by a law, as to deprive the people of the services and ability of valuable officers. Even from the great reduction contemplated by the proposed bill, (amounting in average to nearly, if not quite, 75 per cent.,) the rates of charges are so arranged as to render the bill extremely defective and imperfect; and under which, if adopted, it will be difficult for the different officers, whose fees are regulated by it, to interpret it intelligibly and accurately. We are informed by those conversant with the details of such bills, and believe such to be the case, that the bill, as proposed

by the committee, provides for compensation for entries which are seldom required to be made, and is silent as to a great variety of acts incumbent to be performed by the respective officers enumerated in said fee bill. We have great doubts whether it is advisable at the present time, and so soon after the various county officers have entered on the discharge of their official duties, and when they have obtained the respective positions by great efforts, and in a canvass where much time and labor have been expended by them, to make any material change in the tariff of charges allowed by existing laws; certainly it cannot be right to curtail their income at once, one half, if not two-thirds, as will certainly be the case if the bill, as reported by the committee, pass into a law.

If it be deemed absolutely essential and necessary by the Legislature to make change, let it be done with proper caution, and in such a manner as will not deprive the local officers in one half of the counties of the State of the means of active support.

Entertaining these views, we do recommend that the House do not pass the bill as reported by the committee, and that it be indefinitely postponed.

On motion of Mr. Godard, Assembly bill No. 144, an Act concerning Road and Highways was taken up for consideration.

All the amendments made in committee of the whole, except the amendment to 32d section, and the amendment to the bill offered by Mr. Stemmons to come between sections 33 and 34, providing for the counties to pay for bridges, &c., were concurred in by the House.

Mr. Fairfield moved to exempt Placer county from the operations of this bill.  
Not agreed to.

Mr. Ashley moved to strike out the 17th and 18th sections of the bill.  
Not agreed to.

Mr. Hunter moved to amend the 16th section of the bill, by striking out the word "shall," and insert "may" where it occurs in reference to the duties of the Board of Supervisors or the Court of Sessions, as the case may be.

While this motion was under consideration,

On motion of Mr. Tallmadge, the House adjourned until 10 o'clock to-morrow.

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## HOUSE OF ASSEMBLY.

FRIDAY, April 21, 1854

House met pursuant to adjournment.

The roll was called, and the following members were absent:

Messrs. Bagley, Bostwick, Cornwall, Dannels, Dawley, Gilbert, Green, Griffith, Henry, Herbert, Hoff, Hollister, Hubert, Irwin, Koll, McKinney, Nichols, F. Park, J. W. Park, Purdy, Ring, Rowan, Spencer, Van Cleft, Whipple, and Speaker.

The Journal of Thursday was read and approved.



On motion, leave of absence was granted to Mr. Ballou and Mr. Dannels for one day.

Mr. Ashley presented a proposition from Edwin D. Coleman proposing to enter into bond for 30,000 dollars to do and perform the State Printing.

Proposition read and referred to Committee on Printing.

Mr. Gordon introduced a bill for an Act to authorize accurate topographical surveys for the main line of the Pacific and Atlantic Railroad, and its branches in this State.

Read a first and second time, and referred to a select committee of three previously appointed, Mr. Jones, chairman.

Mr. French introduced a bill for an Act to provide for the disposition of certain property in the city of San Francisco.

Read a first and second time, 240 copies ordered to be printed, and referred to Committee on Commerce.

Mr. Watkins presented a petition numerously signed by citizens of Alameda, praying for the passage of a law authorizing the construction of a plank road.

Read and referred to Committee on Roads and Highways.

Mr. Jones introduced a bill for an Act to authorize the Board of California Land Commissioners to rent an office.

Read a first and second time, and referred to Committee of Ways and Means.

Mr. Ashley introduced a bill for an Act to prevent changing the names of ships, vessels, and steamboats

Read a first and second time, and referred to Committee on Commerce.

Mr. Gordon, from the Judiciary Committee, introduced a substitute for Assembly bill 134, for an Act supplementary to an Act to provide for the lien of mechanics and others, passed April 12, 1850.

Read a first time, and ordered to a second reading on to-morrow.

Mr. Hastings, chairman, made the following report :

The Committee on Counties and County Boundaries have had under consideration Assembly bill No. 234, report the same back with amendments, recommend their adoption, and the passage of the bill.

Amend section second by inserting one half, instead of one third, where that word occurs in the section.

Add to said section, the following : The order and notice shall be given at least fifteen days previous to the day for holding said election.

Amend section third, by inserting in the 17th line, the word three instead of two:

Assembly bill No. 234, an Act amendatory of an Act to provide for the permanent locations of the seats of Justice of the several counties of this State, passed April 11, 1850.

The first and third amendments proposed by the committee, not agreed to.

The second amendment adopted.

Mr. Conness moved to reconsider the vote adopting the second amendment.

Vote reconsidered.

The question again put upon the amendment, and not agreed to.

The bill was then read a third time and passed.

Mr. Griffith made the following report :

The Committee on Public Lands, to whom was referred Assembly bill, No. 253, for an Act to provide for the reclamation of the swamp and overflowed lands belonging to the State of California, have had the same under consideration, having amended the same, recommended the adoption of their amendments and the passage of the bill as amended.

Assembly bill No. 253, above reported, with amendments,

On motion, made the bill the special order for Wednesday next, at 12 o'clock.



Mr. O'Neil, chairman, made the following report :

The Committee on Engrossment have examined, and find correctly engrossed, an Act to fund that portion of the debt of Trinity county, accruing previous to the 12th of May, 1853, apportioned to Humboldt county, and provide for the payment thereof.

An Act to provide an office for the County Surveyor of San Joaquin county.

Also, an Act to give jurisdiction to the District Court, County Court, and Justices' Courts in Plumas county in certain cases.

Mr. McBrayer made the following report :

The Sacramento Delegation, to whom was referred Assembly bill No. 189, entitled an Act to incorporate the city of Sacramento, having had the same under consideration, and recommend that it do not pass ; and report the following as a substitute and recommend its passage.

On motion of Mr. F. A. Park, the bill and substitute were laid upon the table.

Mr. James introduced a bill for an Act to amend the fourth section of an Act concerning the office of State Treasurer, passed January 24, 1850.

Read a first time, and ordered to a second reading on to-morrow.

Mr. Myres gave notice that, on Monday, or soon thereafter, he would introduce a bill to extend the Water Front of San Francisco, and to sell the estates in said city, which have escheated to the State of California.

Mr. Sweasey offered the following, which was adopted.

*Resolved*, That the Committee on Corporations be instructed to report, at their earliest convenience, on the Joint Resolution, concerning lands donated to this State for railway purposes, referred to said Committee.

Mr. Bradford gave notice that, at an early day, he would introduce a bill for an Act to enable the Trustees of the Insane Asylum to erect an additional building.

He also gave notice that, on to-morrow, he would move an additional rule to the Standing Rules of the House.

Mr. Ashley moved to take from the table Assembly bill No. 94, relative to Crimes and Punishments ; not agreed to.

Mr. Tallmadge, chairman, made the following report :

Your Committee, to whom was referred Assembly bill No. 215, for an Act to provide for the payment of certain expenses, and a communication from the Secretary of State, in relation to Stationery, beg leave to report, that by the Act of May 1, 1851, the Secretary of State is required to advertise for proposals for stationery, fuel and lights necessary for the use of the Legislature, and further from vouchers on bill, we find that the advertisement required by law was duly made, and the contract awarded to the lowest bid, to Messrs. Marvin & Hitchcock for stationery, who under their contract have furnished for the use of the Legislature. at this session, stationery amounting to \$3,432 46.

It is also believed, that large amounts of stationery have been procured by the Sergeant-at-Arms of this body, without authority of law, and in express violation of the Act of May 1, 1851 ; this officer having no other authority than an illegitimate resolution of the House, containing general authority to furnish or procure articles for the use of the Assembly.

Your committee recommend that the purchases for the Legislature be made as contemplated in the Act of May, 1851 ; and the Assembly bill, No. 215, be passed with the amendment therein stated.

Your committee conclude with stating that the stationery furnished by the Secretary, and contracted for by him, is of good quality, and furnished at reasonable

rates, with two or three exceptions, over which the Secretary of State can have no control, the law directing that officer to award the contract to the lowest bidder.

All of which is respectfully submitted,

D. P. TALLMADGE, Chairman.  
W. S. LETCHER,  
S. G. WHIPPLE.

Assembly bill No. 215, above reported, an Act to provide for the payment of certain expenses.

Mr. Conness moved to amend the amendment proposed by the Committee.

Adopted.

The amendment, as amended, adopted by the House.

On motion of Mr. Conness, the House resolved itself into committee of the whole, Mr. Bostwick in the chair, to consider the bill.

After spending some time in its consideration,

On motion, the committee rose, reported the bill back without amendment, recommended the passage of the bill, and asked to be discharged from its further consideration. The committee was discharged.

The bill was considered as engrossed, read a third time, and passed.

Hour of 12. The special order was taken up, which was Assembly bill No. 148, an Act to fix the times of holding elections for Representatives to Congress.

Mr. Pratt made the following minority report:

The undersigned, a minority of the Committee on Elections, to whom was referred a bill for "An Act to fix the time of holding elections for Representatives to Congress," cannot concur with the majority in recommending the passage of the bill. The Acts repealed by the second section of the bill under consideration, were passed by the Legislature of 1852, and so well satisfied were the members composing that Legislature, that members of Congress should be elected at the time fixed in the existing law, that the Act passed both branches without opposition—the Journals exhibiting the fact that the bill passed both Houses without a recorded vote.

The object of the Legislature in fixing the time named in the existing law, unquestionably, was to give ample time for the members elect to collect correct information in relation to the wants of the people of the State. The election law provides that returns for members of Congress shall be examined on the sixtieth day after the election, and the statement on which the certificate of the election is based, transmitted to the Governor; and the "Act to provide for the election of the Electors of President and Vice President" directs, that in each year, when the election of President and Vice President of the United States takes place, the same shall be held on Tuesday next after the first *Monday in each year*, being less than twenty days before the meeting of Congress, rendering it impossible for members, elect, to reach Washington, before the middle of January, one month and a half after the commencement of the session; if the bill passes, this wrong to the people can only be remedied by a State election once in four years, separate and at a different time from the Presidential election; I am alike unwilling to deprive the people of forty or fifty days representation in Congress, or saddle them with an additional expense of holding a second election.

In this matter, however, the action of California is not without a precedent. "Several of the other States of the Union, and among them are the great States of Pennsylvania and Ohio, elect their members of Congress but one month later in the same year than the time fixed in the Act of 1852. In the States above referred to, the time for electing members of Congress was fixed many years ago; and we find that time and experience have convinced all of the wisdom of the law, and we hear of no efforts being made to effect a change.

It is true that changes in the affairs of California are more frequent than in the older States of the Union, and that in order to legislate intelligently for her varied interests, it is necessary to watch closely passing events. But this can be done as well, and is much more likely to receive proper care and attention from members elect, than from mere aspirants. A careful examination has satisfied me, that the time fixed for electing members of Congress should remain unchanged, and the bill under consideration be indefinitely postponed.

Mr. O'Neil moved a call of the House. The call was sustained.

The roll was called, and the following members were absent :

Messrs. Anderson, Cornwall, Ewer, French, Green, Henry, Herbert, Hoff, McBrayer, Nichols, Purdy, Warmcastle, and Mr. Speaker.

Mr. Bostwick moved to dispense with further proceedings under the call.

Not agreed to.

Mr. French and Mr. Anderson were admitted within the bar of the House and excused.

Mr. Conness moved to dispense with further proceedings under the call.

Agreed to.

Mr. Myres moved to strike out the enacting clause of the bill, and Messrs. Bradford, O'Neil, and Bostwick demanded the yeas and nays :

#### YEAS.

Messrs. Ashley, Bagley, Ballou, Bostwick, Briggs, Clingan, Conness, Davidson, Dawley, Fairfield, French, Gilbert, Godard, Green, Griffith, Hoff, Horr, Hoyt, Hubbard, Irwin, Jones, Kellogg, Koll, Musser, Myres, McBrayer, McDonald, Nichols, O'Neil, F. A. Park, Pratt, Purdy, Ring, Rowan, Spencer, Springer, Sweasey, Tallmadge, Van Cleft and Watkins—41.

#### NAYS.

Messrs. Bennett, Bowie, Bradford, Burton, Carr, Cornwall, Gordon, Hagans, Hastings, Herbert, Houghtaling, Hubert, Hunter, James, Letcher, Lindsey, Mandeville, McDaniel, McKinney, Noel, J. W. Park, Stowe, Tivy, and Whitman—24.

So the enacting clause was stricken out.

On motion of Mr. French, 240 copies of Assembly bill, 280, were ordered to be printed.

Mr. Hoyt offered the following :

*Resolved*, That the Committee on Public Accounts and Expenditures audit, and pay out of the contingent funds of the House, the necessary expenses actually incurred by the several House committees, while absent procuring information for the State.

Messrs. Watkins, Whitman and McDaniel demanded the yeas and nays.

#### YEAS.

Messrs. Bowie, Conness, Dawley, Fairfield, French, Gilbert, Godard, Green, Hoff, Horr, Houghtaling, Hoyt, Hubbard, Hubert, Irwin, Koll, Letcher, Musser, Myres, McDonald, McKinney, O'Neil, F. A. Park, Pratt, Purdy, Ring, Springer, Stemmons, Stowe and Van Cleft—30.

#### NAYS.

Messrs. Ashley, Bagley, Bennett, Bradford, Briggs, Burton, Carr, Carrillo,



ingan, Cornwall, Gordon, Hagans, Herbert, Hunt, Hunter, Mandeville, McDaniel, W. Park, Stevenson, Tivy, Watkins and Whitman—22.

So the resolution was adopted.

On motion of Mr. French, Assembly Fee bill No. 53, was taken up for consideration.

Mr. French moved its indefinite postponement.

Mr. Conness moved to make the bill the special order of the day for Thursday next at 12 o'clock. Not agreed to.

Mr. French demanded the previous question upon the motion to indefinitely postpone.

Mr. Conness moved to lay the bill on the table, and Messrs. Conness, Hubert and McDonald demanded the yeas and nays.

YEAS.

Messrs. Ashley, Ballou, Bowie, Burton, Clingan, Conness, Cornwall, Godard, Griffith, Hagans, Hastings, Hoyt, Hubert, Hunt, Hunter, Irwin, Letcher, Mandeville, Musser, McBrayer, McDonald, McDuffie, McDaniel, Noel, J. W. Park, Spencer, Springer, Stowe, Tallmadge, Tivy, Watkins, Whitman and Mr. Speaker—33.

NAYS.

Messrs. Bennett, Bradford, Briggs, Carr, Carrillo, Davidson, Dawley, Fairfield, French, Gilbert, Green, Herbert, Hoff, Houghtaling, Hubbard, Jones, Kellogg, Koll, Myres, McKinney, Nichols, O'Neil, F. A. Park, Pratt, Purdy, Ring, Rowan, Temmons, Stevenson, Van Cleft and Whipple—31.

So the bill was laid upon the table.

Assembly bill No. 141, pending the consideration of which, on yesterday, the House adjourned, was taken up for consideration.

The amendment under consideration, offered by Mr. Hunter, was adopted.

Mr. Hunter moved to strike out eight dollars in the 15th section and insert four dollars. Not agreed to.

Mr. Myres moved to exempt Placer county from the operations of the bill. Agreed to.

Mr. Bennett moved to strike out eight dollars in the 15th section and insert six dollars. Agreed to.

Mr. McDaniel offered the following in lieu of section 12.

"That nothing in this Act shall be so construed as to prevent any miner or miners from digging up any road for mining purposes, provided that said miner or miners shall, before disturbing such road, cut or build, under the supervision and direction of the road supervisor of the proper road district, as good a road around such point as the road proposed to be dug up. The amendment was adopted.

Mr. Bennett moved a call of the House. The call was not sustained.

Mr. Letcher moved to amend the 35th section by inserting "this Act shall take effect on the 1st day of July, 1854." Agreed to.

The bill was then considered as engrossed, read a third time and passed.

Senate bill No. 144, an Act to provide for the payment of the compensation due certain members and attaches of the Legislature of this State; on its third reading,

Mr. James moved a call of the House. The call was not sustained.

The bill was then read a third time, and upon its final passage Messrs. Hubbard, French and Griffith demanded the yeas and nays.



YEAS.

Messrs. Ballou, Bradford, Briggs, Burton, Carrillo, Cornwall, Davidson, Gilbert Green, Griffith, Hagans, Hastings, Houghtaling, Hubert, Hunt, Hunter, Irwin James, Jones, Kellogg, Koll, Letcher, Mandeville, Myres, Noel, O'Neil, F. A Park, J. W. Park, Pratt, Spencer, Stemmons, Sweasey, Tivy, Watkins and Whipple—36.

Mr. Gordon voted in the negative.

'There being no quorum present, Mr. Whitman moved a call of the House. The call was sustained.

Before the roll was called, a quorum of members being present, on motion of Mr Myres, further proceedings under the call were dispensed with.

Mr. Hunt moved to adjourn. Not agreed to.

The question was then taken and the bill passed.

Mr. Griffith gave notice that he would move to reconsider the vote on to-morrow which passed Assembly bill No. 141.

Mr. McKinney introduced a bill for an Act concerning Evidence.

Read a first and second time, 240 copies ordered to be printed, and the bill referred to the joint Committee of the Judiciary.

On motion of Mr. McKinney, the House adjourned until 10 o'clock to-morrow.

## HOUSE OF ASSEMBLY.

SATURDAY, April 22, 1854.

House met pursuant to adjournment.

The roll was called, and the following members were absent :

Messrs. Bagley, Ballou, Bostwick, Bowie, Bradford, Davidson, French, Gilbert Godard, Gordon, Griffith, Herbert, Hollister, Hoyt, Hubert, Irwin, Jones, Myres Nichols, J. W. Park, Purdy, Springer, Stevenson, Sweetland, Van Cleft, Warm castle Mr. Speaker.

The Journal of Friday was read and approved.

On motion, leave of absence was granted to Mr. Speaker for two days, and to Mr Stevenson for two days.

Mr. O'Neil, chairman, made the following report :

The Committee on Engrossed bills have examined and find correctly engrossed an Act amendatory of an Act to provide for the permanent location of the seats of justice of the several counties of this State, passed April 11, 1850.

An Act to provide for the payment of certain expenses.

Also, an Act concerning the organization of the Militia.

Agreeable to previous resolution, the House proceeded to consider the business upon the table.

On motion, the House resolved itself into Committee of the Whole, Mr. Dannel

the chair, to consider Assembly bill No. 258, an Act concerning estray animals; after spending some time in its consideration and making amendments thereto, On motion, the committee rose, reported the bill back as amended, and asked to be discharged from its further consideration. The committee was discharged. On motion of Mr. Whitman, the House concurred in the amendments made in committee of the Whole generally.

Mr. Griffith offered an amendment to the 4th section, in reference to the brands and marks of stock. Agreed to.

Mr. McDaniel moved to amend the first section of the bill by striking out all the section down to the word "go," and insert a proviso, that every citizen of this State owning any stray horse, mule, jack, jenny or ox upon his premises, "to give public notice, with their marks and brands, and if no person shall appear and prove ownership of such animals, and pay reasonable charges for taking up said animals within ten days shall," Not agreed to.

Mr. Hagans moved to amend the 15th section by striking out after the word "services," in the second line, and insert "which compensation shall be paid by the owner up." Agreed to.

Mr. McBrayer moved to exempt the county of Sacramento from the operations of this bill. Not agreed to.

Mr. Jones moved to exempt the county of Yuba. Not agreed to.

Mr. Sweetland moved to strike out from the word "shall," in the second line, to the word "exchange," in the third line. Adopted.

Mr. Gordon offered an additional section to the bill.

Mr. Mandeville moved to recommit to Committee of the Whole and make it the special order for Thursday next. Not agreed to.

Mr. Mandeville then moved to strike out the enacting clause, and Messrs. Letcher, Mandeville and Myres demanded the yeas and nays.

#### YEAS.

Messrs. Anderson, Briggs, Burton, Carrillo, Clingan, Dannels, Davidson, Dawley, Fairfield, Godard, Hastings, Henry, Hubbard, Hubert, James, Jones, Kellogg, Mandeville, Myres, McDaniel, McKinney, Noel, O'Neil, F. A. Park, Pratt, Ring, Spencer, Sweetland, Van Cleft and Whipple—30.

#### NAYS.

Messrs. Ashley, Ballou, Bennett, Bowie, Carr, Conness, Cornwall, Ewer, Gordon, Griffith, Hagans, Horr, Houghtaling, Hunt, Letcher, Lindsey, Musser, McBrayer, McDonald, Rowan, Springer, Sweasey, Tivy and Whitman—24.

So the enacting clause was struck from the bill.

Mr. McKinney gave notice that on to-morrow he would move to reconsider the bill just taken, on the striking from the bill the enacting clause.

Assembly bill No. 227, an Act to amend an Act entitled an Act concerning Escheats, on its third reading.

Also, Assembly bill No. 272, upon the same subject.

Read a second time, and, on motion, the two bills were referred to committee of the whole, and made the special order for Thursday next, at 12 o'clock.

Assembly bill No. 230, an Act for the Protection of Game.

Mr. F. A. Park moved to strike out the first of March, and insert first of April, in line, first section. Agreed to.

Mr. Griffith moved to strike out the county of Yolo, in third line, fifth section.

Mr. Whitman moved to strike out the entire section as an amendment. Agreed to.

Mr. Griffith moved to amend the bill to permit persons, under certain circumstances, to kill game.

Mr. Whitman offered a similar amendment.

Both amendments lost.

Mr. Griffith moved to strike out the first section of the bill. Not agreed to.

Mr. Griffith moved to strike out where it occurs \$100, and insert not exceeding \$25, in the third section. Agreed to.

The bill was then read a third time and passed.

Assembly bill No. 282, an Act to amend the fourth section of an Act concerning the office of State Treasurer, passed January 24, 1850.

Read a second time, and referred to Committee of Ways and Means.

Substitute for Assembly bill No. 285, an Act supplementary to an Act to provide for the lien of mechanics and others, passed April 12, 1850.

Read a second time, and referred to Committee of the Whole, Monday week next.

Assembly bill No. 271, an Act to authorize Wm. F. McLean and George Caloway to build a wharf in the County of San Francisco, beyond the western limit of the city of San Francisco, and near to said line.

Read a second time, and referred to Committee of Commerce.

Assembly bill No. 136, an Act to authorize Stephen K. Nurse to build a wharf in the County of Solano.

Read a third time and passed.

Assembly bill No. 128, an Act to amend an Act entitled an Act to prohibit the erection of Weirs, or other obstructions to the run of Salmon, passed April 12, 1850.

Amended, read a third time, and passed.

Assembly bill No. 44, an Act to repeal an Act entitled an Act to provide for measurement of Lumber, approved April 30, 1853;

On its third reading, made the special order for Tuesday week next, at 12 o'clock.

Assembly bill No. 120, to amend an Act entitled an Act to regulate proceedings in Criminal Cases in the Courts of Justice of this State, passed May 1, 1853.

Read a third time, and indefinitely postponed.

Assembly bill No. 173, an Act to provide for the appointment of Deputy Court Treasurers.

The bill was read a third time and passed.

Assembly bill No. 195, an Act to amend an Act concerning the Official Board of Officers.

Amended, read a third time, and passed.

Assembly bill No. 110, an Act to take the sense of the people of this State upon the subject of the permanent location of the Seat of Government, on its third reading.

Mr. F. A. Park moved to lay the bill on the table, and Messrs. Whitman, Caloway and Hunter, demanded the yeas and nays.

#### YEAS.

Messrs. Ballou, Dawley, Hoff, McDonald, McDaniel, McKinney, F. A. Park, Van Cleft—8.

#### NAYS.

Messrs. Anderson, Ashley, Bennett, Bostwick, Bowie, Bradford, Burton, C. Conness, Cornwall, Davidson, Fairfield, French, Gilbert, Godard, Griffith, Hag Hoyt, Hubbard, Hubert, Hunt, Hunter, Jones, Letcher, Lindsey, Mandev Myres, Noel, O'Neil, J. W. Park, Pratt, Ring, Spencer, Stemmons, Sweasey, T. Whipple and Whitman—38.

So the bill was not laid upon the table.

Mr. Myres moved to strike out all after the enacting clause, and insert—"The city of Sacramento is, and shall be, the permanent capital of the State of California."

Mr. O'Neil moved to make the bill the special order of the day for Friday next.  
Agreed to.

Assembly bill No. 91, an Act authorizing the State Treasurer to make disposition of certain moneys, for the purpose of paying the interest on the Civil Bonds of the State issued under the Funding Acts of 1852 and 1853.

Mr. Conness moved to strike out the enacting clause of the bill. Agreed to.

Assembly bill No. 115, an Act for the protection of Settlers upon public lands.

Read a third time, and did not pass.

Assembly Joint Resolutions No. 38, in relation to the recent occupation of Lower California by American citizens. Read a second time.

Mr. O'Neil moved to refer to Committee on Federal Relations. Not agreed to.

Mr. J. W. Park moved to refer the resolutions to the Judiciary Committee.

Not agreed to.

Mr. Burton moved to adjourn. Not agreed to.

Mr. Bradford moved to lay the resolutions on the table. Not agreed to.

Mr. Whitman moved its reference to Mr. McKinney, of Santa Clara, with instructions. Agreed to.

Assembly bill No. 94, an Act to amend an Act concerning Crimes and Punishments, passed April 16, 1850.

Mr. Hoff moved to make the bill the special order for Wednesday next, at 2 o'clock, P. M. Agreed to.

Assembly Joint Resolution 126, granting leave of absence to R. L. Westbrook, Judge of Siskiyou county, read a third time and did not pass.

Assembly bill No. 105, an Act to amend an Act entitled an Act concerning the Courts of Justice of this State and Judicial Officers, passed May 19, 1853.

On its third reading, made the special order for Tuesday next, at 2 o'clock, P. M.

Assembly bill No. 58, an Act concerning legal proceedings in favor of and against counties.

Mr. Ashley moved to strike out the word "thereof," in the first section, 5th line.  
Agreed to.

And to insert "on behalf of the county" in the second section, 6th line after the word proceedings. Agreed to.

And to strike out the words "against an individual," 3d section, 3d line, agreed to.

On motion of Mr. McKinney, the House resolved itself into Committee of the Whole, Mr. Griffith in the chair, to consider the bill; after spending some time in its consideration, and amending the same,

On motion of Mr. Conness, the committee rose, reported the bill back as amended, and asked to be discharged from its further consideration.

The committee was discharged.

On motion of Mr. Whitman, the House adjourned until Monday next at 10 o'clock.



## HOUSE OF ASSEMBLY.

MONDAY, April 24, 1854.

House met pursuant to adjournment.

The roll was called, and the following members were absent :

Messrs. Bagley, Bostwick, Bowie, Carr, Clingan, Cornwall, Dannels, Dawley, Ewer, French, Gilbert, Green, Griffith, Herbert, Hollister, Houghtaling, Hubert, Hunter, Irwin, Koll, McKinney, Nichols, O'Neil, F. A. Park, J. W. Park, Purdy, Springer, Stevenson, Stowe, Tallmadge, Warmcastle and Whitman.

The Journal of Saturday was read and approved.

On motion, indefinite leave was granted to Mr. Ewer, in consequence of illness ; also, for one day each, to Messrs. Hunter, Herbert, O'Neil, Green, Koll, Bagley and Dannels ; and to Messrs. Hollister and Stowe for two days each.

Mr. Stemmons, chairman, made the following report :

The committee, to whom was referred an Act to amend an Act concerning Judges of the Plains and define their duties, have had the same under consideration, and beg leave to report the same back to the House and recommend its passage.

On motion of Mr. Ashley, the bill was referred back to the committee with instructions to add another section thereto.

Mr. Stemmons made a further report :

The Committee on Agriculture, to whom was referred a bill entitled an Act to amend an Act to regulate Rodeos, approved April 30, 1851, have had the same under consideration, beg leave to report the same back, and recommend that it pass.

Assembly bill No. 278, above reported ; on its third reading,

Mr. Ashley moved to amend the bill by inserting after the word Rodeos, in 2d line, " within the limits of his farm." Agreed to.

Mr. McKinney moved to strike out all relative to verbal notices. Agreed to.

Mr. Carrillo moved to strike out July, where it occurs, and insert August.

Agreed to.

The bill considered as engrossed, read a third time and passed.

Mr. Bostwick made the following report :

The Committee on Accounts and Expenditures, to whom was referred Assembly bill for an Act concerning the office of Secretary of State, have made several amendments thereto, report the same back to the House; and recommend its passage.

On motion of Mr. Bostwick, the House resolved itself into Committee of the Whole, Mr. Bostwick in the chair, to consider the bill ; after spending some time in its consideration and amending the same,

On motion, the committee rose, reported the bill back as amended, and asked to be discharged from its further consideration. The committee was discharged.

The hour of 12. The special order was taken up for consideration, which was Assembly bill No. 127, in reference to the water front of Benicia.

Mr. Conness moved to strike out the enacting clause of the bill. Not agreed to.

Mr. Gordon moved to refer the bill to a special committee of three, with instructions to report a substitute. Agreed to ; and Messrs. Gordon, Carr and Rowan were appointed said committee.

Mr. Tivy made the following report ;

The Joint Committee on Enrolled Bills have examined and find correctly enrolled, the following Acts, viz :

An Act for the settlement of the accounts of Eugene Casserly, as State Printer.

An Act providing that the Court of Sessions of Yuba county shall be empowered to levy, and cause to be collected, a special tax for the purpose of erecting public buildings, and the improvement of public grounds in said county, and for the disposal of public property for the same purpose.

An Act to fund the debt of the county of Solano, and to provide for the payment thereof.

An Act to provide an Office for the County Surveyor of San Joaquin county.

Mr. Whitman made the following report :

The Judiciary Committee, to whom was referred Senate bill No. 120, being an Act declaring the consent of the State of California to the purchase, by the United States, of Signor or Mare Island ; to relinquish the title and interest of the State in overflowed portions of said Island, and to vest the jurisdiction over the same in the United States, for the purposes therein specified, have had the same under consideration, and recommend its passage without amendment.

Senate bill No. 120, above reported,

Read a third time and passed.

Mr. Conness moved to amend the title of the bill as follows : after the words an Act, insert " ceding the title of the State of California in and to the overflowed portions of Signor or Mare Island to the Government of the United States, for certain purposes therein named." Not agreed to.

Mr. Van Cleft moved to reconsider the vote which passed the above bill, and Messrs. Van Cleft, Cornwall and Whipple demanded the yeas and nays.

#### YEAS.

Messrs. Anderson, Ashley, Bennett, Burton, Clingan, Conness, Davidson, Gordon, Hagans, Henry, Hoff, Hoyt, Hunt, James, Jones, Kellogg, Musser, Myres, McBrayer, McDonald, McDaniel, Noel, J. W. Park, Pratt, Spencer, Stemmons, Sweasey, Tallmadge, Tivy, Van Cleft, Watkins and Whipple—32.

#### NAYS.

Messrs. Bowie, Bradford, Briggs, Cornwall, Dawley, Fairfield, Gilbert, Godard, Griffith, Hastings, Horr, Hubbard, Hubert, Mandeville, McKinney, Nichols, Ring, Springer and Whitman—19.

So the vote was reconsidered.

Mr. Hoff moved to reconsider the vote which read the bill a third time.

The vote was reconsidered.

Mr. Hoff moved to refer the bill back to the Judiciary Committee. Agreed to.

Mr. Tallmadge, chairman of Select Committee, made the following unanimous report :

The Joint Committee, appointed to investigate the charge of fraud in the election returns of 1851, for Governor and Lieutenant Governor, ask leave to make the following report :

The evidence adduced before said committee, and herewith submitted, is not sufficient to establish the belief that fraud was committed in the election returns of 1851, for Governor and Lieutenant Governor. Neither is there any evidence of alterations or frauds in the election returns of 1851, as filed in the Secretary of State's office. All of which is respectfully submitted.

The report of the committee was adopted.

The following message was received from the Governor :

In compliance with a resolution adopted by the Assembly on the 19th instant, requesting the Governor to transmit to this House copies of all communications addressed to him in his official capacity, in relation to the non-payment of the interest on the coupons, due in the city of New York, on the first of January, 1854, except such as have already been sent to this House.

I have the honor, herewith, to transmit copies of the only communications received. In relation to the communication signed by the President of the American Exchange Bank, it is proper to state, that by some means unknown to me, it found its way into the public papers one day before it reached this department.

JOHN BIGLER.

The message, together with the documents communicated, were read and referred to Select Committee heretofore created upon this subject, Mr. Green chairman.

The following message was also received from the Governor :

I have the honor, herewith, to transmit a copy of an important communication, received this morning, from Hon. Paul K. Hubbs, Superintendent of Public Instruction.

JOHN BIGLER.

The communication from the Superintendent of Public Instruction, was read and referred to Committee of Ways and Means.

The following message was received from the Governor :

I have the honor, herewith, to transmit and commend to your favorable consideration, a copy of Joint Resolutions, adopted by the Legislature of the commonwealth of Pennsylvania relative to old soldiers.

And, also, Joint Resolutions, passed by the Legislature of the State of Massachusetts, in relation to cheap ocean postage.

JOHN BIGLER.

Resolutions from Pennsylvania, read and referred to Military Committee.

The resolutions from the State of Massachusetts, read and referred to Committee or Federal Relations.

Mr. Conness moved to take a recess until 5 o'clock.

Not agreed to.

The following message was received from the Senate.

I am instructed to inform the Assembly, that the Senate passed, on Saturday, a bill for an Act appropriating money to pay D. D. Colton for services rendered the State ; also,

Assembly bill, No. 157, for an Act to provide for the survey of a portion of the Northern boundary of this State.

Which is respectfully submitted.

JOHN Y. LIND, Secretary.

Senate bill, No. 164, above reported, for the relief of D. D. Colton.

Read a first and second time, and referred to Committee on Claims.

The following message was also received from the Senate :

I am instructed to inform the Assembly, that the Senate passed, on yesterday the following Assembly bills, viz :

An Act to provide an office for the County Surveyor of San Joaquin county ; and

An Act to fund the debt of the county of Solano, and to provide for the payment thereof.

Which are herewith respectfully returned.

JOHN Y. LIND, Secretary.

The following message was also received from the Senate :

I am instructed to inform the Assembly, that the Senate on the 18th inst. concurred in Assembly's amendment to adjourn *sine die* on the 15th of May ; and on Saturday passed Joint Resolution in relation to the Nebraska Bill, introduced into the Senate of the United States, on the 23d January, 1854.

Which is respectfully submitted.

JOHN Y. LIND, Secretary.

Senate Joint Resolution above reported, read a first and second time, and referred to Committee on Federal Relations.

The following message was received from the Senate :

I am instructed to inform the Assembly, that the Senate passed this day a bill for an Act granting to the Electors of Calaveras county the privilege to vote for or against a division of said county, and organize the county of Washington.

Which is respectfully submitted.

JOHN Y. LIND, Secretary.

Senate bill, No. 149, above reported, read a first and second time, and referred to the delegation from Calaveras.

Mr. Bennett offered a Concurrent Resolution, appointing the Committees of the two houses upon the subject of the Public Lands, a Joint Committee, to whom all matters upon that subject shall be referred. Resolution adopted.

Mr. Dawley gave notice that on to-morrow he would introduce a bill to amend the sixth section of an Act regulating the duties of Harbor Master of the Port of San Francisco, passed May 1, 1852.

Mr. Hoff gave notice that at some early day he would introduce a bill to appropriate the moneys collected under the provisions of an Act authorising the Board of Supervisors in Tuolumne county to levy a tax for the support of the Indigent Sick.

Mr. McDonald gave notice that on to-morrow he would introduce a bill graduating the price of Public Lands in this State.

Mr. Gordon gave notice that an early day he would introduce a bill for an Act to amend an Act concerning the Courts of Justice of this State, and Judicial officers, approved May 19, 1853.

Mr. McKinney, agreeable to previous notice, moved to reconsider the vote which struck out the enacting clause of Assembly bill 258, concerning Estray Animals, and Messrs. Hagans, Stemmons and Hoff demanded the yeas and nays.

YEAS.

Messrs. Anderson, Ashley, Ballou, Bennett, Bostwick, Bowie, Bradford, Briggs, Carrillo, Clingan, Cornwall, Davidson, Fairfield, Gilbert, Gordon, Griffith, Hagans, Hastings, Henry, Hoff, Horr, Hubert, Hunt, Irwin, James, Letcher, Musser, Myres, McDaniel, McKinney, Nichols, Noel, F. A. Park, Pratt, Ring, Rowan, Spencer, Stemmons, Sweasey, Tallmadge and Tivy—41.

NAYS.

Messrs. Burton, Conness, Dawley, Hubbard, Jones, Kellogg, Mandeville, McBrayer, McDuffie, J. W. Park, Springer, Van Cleft, Watkins and Whipple—14.

So the vote was reconsidered, and

On motion of Mr. Letcher, the bill was referred to a select committee of five.

Messrs. Letcher, Tallmadge, Hagans, Spencer and Bostwick were appointed said committee.



Mr. Tallmadge offered a concurrent resolution to appoint a joint committee of three from each House to examine the printing accounts of Messrs. Fitch, Geige & Kerr & Co., former State Printers, and to report thereupon.

Resolution adopted, and Messrs. Tallmadge, James and Herbert were appointed on the part of the House.

Mr. Dawley presented a petition from Mr. Sheppard, in reference to the estate of George Kerr, deceased, and the Public Printing.

Read and referred to select committee of three, created upon that subject, Mr. Tallmadge, chairman.

Mr. Bradford, agreeable to notice, moved the adoption of an additional rule providing that no bills shall be introduced after the 8th day of May next, without the concurrence of two-thirds of the House.

Adopted.

Mr. McBrayer gave notice that on to-morrow he would introduce a bill to amend the 175th section of an Act to provide for the formation of Corporations.

Mr. Bradford introduced a bill for an Act to appropriate money to enable the Trustees of the Insane Asylum to erect an additional building, and to enclose the grounds belonging to the Asylum.

Read a first and second time, and referred to Committee on State Hospitals.

Mr. Griffith introduced a bill to protect those who have located land under certain land warrants. Read a first and second time, 240 copies ordered to be printed and referred to Committee on Public Lands.

Mr. Bradford introduced a bill for an Act to amend an Act entitled an Act to provide for the sale of the interest of the State of California in the property within the water line front of the city of San Francisco.

Read a first and second time, 240 copies ordered to be printed, and the bill referred to Committee on Public Lands.

Mr. Whipple introduced a bill for an Act to amend an Act to provide for the sale of the interest of the State of California in the property within the water line front of the city of San Francisco.

Read a first and second time, and referred to Committee of Ways and Means.

Mr. McDuffie introduced a bill for an Act amendatory to the Act incorporating the city of Marysville, and to all Acts supplementary and amendatory to the same.

Read a first and second time, and referred to Yuba delegation.

Mr. Griffith moved to adjourn.

Not agreed to.

Mr. Van Cleft moved to take a recess until 6 o'clock.

Not agreed to.

The following message was received from the Governor :

EXECUTIVE DEPARTMENT. }  
Sacramento City, April 21, 1854. }

*To the Senate and Assembly of California :*

I have the honor herewith to transmit a copy of a communication received on the 18th inst., from John A. Dreibeibis, Esq., a respectable citizen of Shasta county, in relation to Indian depredations and murders, on Pitt river, in the above named county, and asking compensation for services rendered and expenses incurred by himself and others.

It will be seen that the citizens of Pittsburg and vicinity, before proceeding to chastise the Indians, held a public meeting and passed resolutions calling on Col. Wright, the officer in command of the United States troops at Fort Reading, for protection, and in reply to which Col. Wright expressed a perfect willingness to extend the required aid, but informed them that it was not in his power to do so, for

the reason that he had but about fifteen effective men—a force scarcely adequate to the protection of the property and stores of the General Government at the Fort. In the absence of sufficient protection from the General Government, the citizens themselves organized in self defence, and in so doing rendered services for which they should be compensated, and incurred expenses which certainly should be paid.

Having frequently, during the years 1852 and 1853, had occasion to call the attention of the Legislature to the entire inadequacy of the force of the General Government in California for the protection of our citizens, and to the almost defenceless condition of the frontier counties, I deem it unnecessary, in this communication, further to advert to this subject, and in conclusion would merely remark that until more effective aid shall be extended to California by the General Government, our citizens must be harrassed by the depredations of hostile Indians, and the State necessarily incur expenses and remunerate services rendered by our own people in the defence of their lives and property.

I would, however, state that I have received assurances, verbally, from the distinguished officer now in command of the U. S. Army on the Pacific coast, that he expects to be able in a short time to extend the proper aid and protection to our citizens against the recurrence of Indian depredations in the frontier counties.

JOHN BIGLER.

The message and communication read and referred to the Committee on Indian Affairs.

Assembly bill No. 144, taken up for consideration, which was an Act concerning the office of Secretary of State.

The amendment made to section 15, in Committee of the Whole, not agreed to by the House.

The amendments made in Committee of the Whole, except the one above mentioned, were concurred in by the House.

Mr. Ballou moved to add to section 15 the following, "and the Secretary of State shall not be compelled to record certificates, or perform any of the services above enumerated, unless such fees are paid in advance." Not agreed to.

The bill was then considered as engrossed, read a third time and passed.

On motion, the House adjourned until 10 o'clock to-morrow.

## HOUSE OF ASSEMBLY.

TUESDAY, April 25, 1854.

House met pursuant to adjournment.

The roll was called, and the following members were absent :

Messrs. Bagley, Ballou, Bostwick, Bowie, Bradford, Carr, Cornwall, Dannels, French, Gilbert, Godard, Green, Griffith, Hastings, Horr, Hoyt, Irwin, James, Koll, McKinney, Nichols, J. W. Park, Purdy, Rowan, Tallmadge, Van Cleft, Warmastle, and Whitman.

The Journal of Monday was read, amended and approved.

Mr. Hubbard presented a petition from the lumber dealers in San Francisco, praying for an amendment to the law creating the office of Lumber Inspector.

Petition read, and referred to Committee on Commerce and Navigation.

Mr. McBrayer presented a memorial from the Commissioners of the Funded Debt of Sacramento City, in reference to the proposed amendments to the City Charter of Sacramento.

Mr. Dawley introduced a bill for an Act amendatory of an Act entitled an Act regulating the duties of Harbor Master of the Port of San Francisco, passed May 1 1852.

Read a first and second time, and referred to the Committee on Commerce.

Mr. McBrayer introduced a bill for an Act to amend chapter 8, section 175, of an Act concerning Corporations.

Mr. McDonald introduced a bill for an Act to graduate the price of Public Lands according to their value.

Read a first and second time, and referred to Committee of Public Lands.

Mr. Spencer introduced a bill for an Act concerning passengers arriving in the State of California.

Read a first and second time, 240 copies ordered to be printed, and the bill referred to the Committee on Hospitals.

Mr. Noel, from the Committee of Ways and Means, made the following report :

The Committee of Ways and Means, to whom was referred Assembly bill No. 289, entitled an Act to amend an Act to provide for the sale of the interest of the State of California in the property within the water line front of the city of San Francisco, have had the same under consideration, report it back without amendment, and recommend its passage.

Also, Assembly bill No. 286, entitled an Act to authorize the Board of California Land Commissioners to rent an office, and recommend that it be rejected.

Also, Assembly bill No. 282, entitled an Act to amend the fourth section of an Act concerning the office of State Treasurer, and recommend its passage.

Also, Assembly bill No. 250, entitled an Act supplementary to and explanatory of an Act entitled an Act making appropriations for the civil expenses of government of the State, for the unexpired portion of the fiscal year ending on the 30th day of June, A. D., 1854, and recommend its passage.

Assembly bill No. 280, above reported, in reference to the interest of the State to the water front in San Francisco.

Read a third time and passed.

Assembly bill No. 286, an Act to authorize the Board of California Land Commissioners to rent an office,

On motion of Mr. Conness, was rejected.

Assembly bill No. 282, an Act to amend an Act concerning the office of State Treasurer, passed January 24, 1850.

Mr. Conness moved to reject the bill.

Mr. Lindsey demanded a call of the House.

The call was sustained.

The roll was called, and the following members were absent: Messrs. Bagley, Carr, Dannels, French, Green, Hoff, Irwin, Koll, McBrayer, Purdy, Van Cleft, Warmcastle, and Whitman.

Mr. McBrayer was admitted within the bar of the House and excused.

Mr. Ballou moved to dispense with further proceedings under the call.

Not agreed to.

Mr. Conness moved to dispense with further proceedings under the call.

Agreed to.

The Speaker decided that the motion to reject the bill was not in order.

Mr. Conness moved to strike out the enacting clause, and Messrs. Lindsey, Burton and Houghtaling demanded the yeas and nays.

## YEAS.

Messrs. Ashley, Ballou, Conness, Dawley, Fairfield, Gilbert, Godard, Griffith, Hollister, Hoyt, Hubbard, Hunt, Kellogg, Myres, McDonald, O'Neill, F. A. Park, Ring, Rowan, Spencer, Springer, Sweasey and Tallmadge—23.

## NAYS.

Messrs. Anderson, Bennett, Bostwick, Bowie, Bradford, Briggs, Burton, Clingan, Cornwell, Davidson, Gordon, Hagans, Hastings, Henry, Herbert, Horr, Houghtailing, Hunter, James, Letcher, Lindsey, Mandeville, McBrayer, McDuffie, McDaniel, McKinney, Noell, J. W. Park, Pratt, Stemmons, Stevenson, Sweetland, Tivey, VanCleft, Watkins, Whipple and Mr. Speaker—37.

So the House refused to strike out the enacting clause.

Mr. Bennett moved to strike out the hour of two in the first section and insert four o'clock.

Agreed to.

The hour of twelve o'clock, the Speaker announced the special order, which was assembly bill No. 152, respecting Pilots in the Harbor of San Francisco.

Mr. Mandeville moved to postpone for the present the special order of the day.

Not agreed to.

Mr. Fairfax moved to amend the 31st section by striking out the fourth and fifth lines, and insert "vessels under fifteen feet draught \$8 per foot.

Agreed to.

Mr. Fairfax moved to amend the same section by striking out the sixth, seventh and eighth lines, and insert "fifteen feet and over, \$10 per foot."

Agreed to.

Mr. Sweasey moved to lay the bill on the table.

Not agreed to.

Mr. Conness moved to recommit to the Committee on Commerce and Navigation.

Not agreed to.

Mr. Dawley offered a substitute for the 33d section. Not agreed to.

Mr. Letcher moved to recommit to special committee, with instructions, and Messrs. Hubert, Nichols and Fairfax demanded the yeas and nays.

## YEAS.

Messrs. Ballou, Burton, Clingan, Conness, Dawley, Fairfield, Godard, Hollister, Hunt, Letcher, McBrayer, F. A. Park, Ring, Springer, Sweasey, Sweetland, Tallmadge and Van Cleft—18.

## NAYS.

Messrs. Anderson, Bennett, Bowie, Bradford, Briggs, Cornwell, Gilbert, Gordon, Hagans, Hastings, Herbert, Houghtailing, Hubert, Hunter, James, Kellogg, Mandeville, Musser, McDonald, McDuffie, Nichols, Noell, O'Neill, Pratt, Rowan, Spencer, Stemmons, Tivy, Watkins and Mr. Speaker—30.

So the motion to recommit was not adopted.

Mr. Tallmadge moved to take a recess until half-past three o'clock.

Not agreed to.

The bill was considered as engrossed; read a third time, and upon its final passage Messrs. Fairfax, Mandeville and Tivy demanded the yeas and nays



## YEAS.

Messrs. Anderson, Bennett, Bowie, Briggs, Clingan, Cornwell, Dawley, Gilbert, Godard, Gordon, Griffith, Hagans, Hastings, Herbert, Hollister, Houghtaling, Hubert, Musser, McDonald, McDuffie, Nichols, Noel, O'Neill, Pratt, Rowan, Spencer, Stemmons, Sweetland, Tivy, VanCleft, Watkins and Mr. Speaker—32.

## NAYS.

Messrs. Ballou, Burton, Conness, Fairfield, Hunt, Hunter, James, Letcher, Mandeville, Myers, F. A. Park, Ring, Springer and Tallmadge—14.

So the bill passed.

Mr. Van Cleft gave notice that he would move to reconsider the vote on to-morrow, which just passed Assembly bill No. 152 in reference to Pilots.

The hour of two o'clock. The special order for that hour, Assembly bill No. 105, an Act to amend an Act entitled an Act concerning the Courts of Justice of this State and Judicial officers, passed May 19, 1853.

On motion made the special order for Thursday next at 2 o'clock.

Mr. Tallmadge moved to take a recess until 4 o'clock.

Not agreed to.

Mr. Conness moved to go into the consideration of the Senate's messages.

Not agreed to.

Assembly bill No. 282 under consideration at the hour of twelve, when the special order was taken up for consideration, was again taken up for action.

Mr. Conness moved to amend by adding to the second section the following :

"That nothing herein contained shall be so construed as to require the State Treasurer to keep the public funds in his office."

Agreed to.

Mr. Conness moved to amend the first section, seventeenth line, by inserting, "in the order of their Registry."

Not agreed to.

The bill was considered as engrossed, read a third time, and upon its final passage, Messrs. Mandeville, Lindsey and McBrayer, demanded the yeas and nays.

## YEAS.

Messrs. Anderson, Bennett, Bostwick, Bowie, Bradford, Burton, Carrillo, Cornwall, Davidson, Gordon, Hagans, Hastings, Henry, Houghtaling, Hunter, James, Letcher, Lindsey, Mandeville, McBrayer, McDuffie, McDaniel, McKinney, Noell, Springer, Stemmons, Stevenson, Sweetland, Tivy, Van Cleft, Watkins, Whipple, and Mr. Speaker---33.

## NAYS.

Messrs. Ashley, Ballou, Conness, Dawley, Fairfield, Gilbert, Godard, Griffith, Hollister, Horr, Hoyt, Hubbard, Hubert, Hunt, Irwin, Jones, Kellogg, Musser, Myers, McDonald, O'Neil, Ring, Rowan, Sweasey, and Tallmadge—25.

So the bill passed.

Mr. Springer gave notice that he would move a reconsideration of the vote just taken, on to-morrow.

Mr. O'Neil, chairman, made the following report :

The Committee on Engrossment have examined and find correctly engrossed, "An Act to amend an Act entitled an Act to prohibit the erection of Weirs or other obstructions to the run of Salmon," passed April 12, 1852."

"An Act to authorize Stephen K. Nurse to build a wharfin the county of Solano."

"An Act to amend an Act concerning the official bonds of officers," passed February 28, 1850.

"An Act for the protection of game," and also,

"An Act to provide for the appointment of Deputy County Treasurers;" and,

"An Act to establish and regulate Common Schools, and to repeal former Acts concerning the same."

Assembly bill No. 250, explanatory of an Act appropriating funds for the Insane Asylum, read a third time and passed.

Mr. Tivy made the following report :

The Joint Committee on Enrolled Bills have this day presented to his Excellency the Governor, for his approval, the following Acts, viz :

"An Act for the Settlement of the Accounts of Eugene Casserly as State Printer."

"An Act providing that the Court of Sessions of Yuba County shall be empowered to levy and cause to be collected a Special Tax, for the purpose of erecting Public Buildings and the improvement of Public Grounds in said county, and for the disposal of Public Property for the same purpose."

"An Act to Fund the Debt of the County of Solano, and to provide for the payment thereof."

And "An Act to provide an Office for the County Surveyor of San Joaquin county."

And they further report that they have examined and find correctly enrolled the following Acts, viz :

"An Act to provide for the Payment of the Compensation due certain Members and Attaches of the Legislature of this State."

"An Act to amend the seventh section of an Act entitled An Act to Incorporate the city of San Jose, passed March 27, 1850."

"An Act to provide for the Survey of a portion of the Northern Boundary of this State."

And "An Act allowing the Court of Sessions of Yuba County to levy a Special for the Support of the Indigent Sick of said county."

Mr. Myres, Chairman, made the following report :

The Judiciary Committee have had under consideration Assembly Bill No. 279, entitled "An Act to fix the times for holding the Terms of the District Court throughout the State," the passage of which they recommend, with the accompanying amendment ;

Also, "An Act to protect the rights of Officers and Agents of the State of California in executing the powers that are or may be enjoined on them by law in the disposition of her Real Estate, or Estate partaking of the Realty," and recommend its indefinite postponement.

Your committee have also considered Senate Bill No. 109, for "An Act to authorize the formation of Limited Partnerships," and recommend its passage.

Assembly Bill No. 279, "An Act to fix the times of holding the Terms of the District Court throughout the State," on its third reading,

On motion laid on the table.

Assembly Bill No. 275, "An Act to protect the rights of the Officers and Agents of the State of California in executing the powers that are or may be enjoined on them by law in the disposition of her Real Estate, or Estate partaking of the Realty,"

On motion laid on the table.

Senate Bill No. 109, "An Act to amend an Act entitled An Act to authorize the formation of Limited Partnerships,"

Read a third time and passed.

Mr. Dawley, chairman, made the following report :

The Committee on Commerce have had under consideration—

Assembly bill No. 220, amended first section, report the same back to the House recommend its adoption, and that the bill pass.

Also, Assembly bill No. 271, amended the second section and recommend the adoption of the amendments, and that the bill pass.

Also, Assembly bill No. 268. Your committee are of the opinion that the existing laws in force in relation to grand and petit larceny are a sufficient protection to the owners of wood and wood yards, and therefore report the bill back with the recommendation that it do not pass.

Also, Assembly bill No. 249, entitled an Act to declare the river Stanislaus navigable. From reliable information, as well as personal experience, your committee are of opinion that the simple passage of this Act will not remove the obstructions to the navigation of said river, and would interfere with the rights of persons interested in ferries and bridges below Knight's Ferry. Your committee are also satisfied that there is but one class of steamers that could ever be made to run on said river ; we allude to those used on the western waters which are said to run whenever the dew falls, but as this class of vessels have not yet found their way to California it is unnecessary to pass the present bill. They, therefore, beg leave to report the same back to the House and recommend that it do not pass.

Assembly bill No. 220, above reported, read a third time and passed.

Assembly bill No. 271, also reported by the Committee on Commerce, read a third time and passed.

Assembly bill No. 268, reported by Committee on Commerce, read a third time and passed.

Assembly bill No. 249, an Act to declare the river Stanislaus navigable, read a third time and did not pass.

Mr. Mandeville gave notice that on to-morrow he would move to reconsider the vote just taken.

Mr. Stemmons, chairman, made the following report :

The Committee on Agriculture, to whom was referred a bill concerning Judges of the Plains, beg leave to report a substitute for the bill and recommend its passage.

The substitute was adopted, considered as engrossed, read a third time and passed.

Mr. Hubbard, from the Committee on Public Buildings and Grounds, made the following report :

The committee have had under consideration Assembly bill No. 259 for the erection of a Jail in the county of Monterey, and report the same back to the House with an amendment and recommend its passage.

The amendments offered by the committee adopted.

On motion of Mr. Ashley ten per cent. was struck out where it occurs in the fourth line, second page.

The bill was considered engrossed, read a third time and passed.

Mr. Sweetland, chairman, made the following report :

The committee to whom was referred Assembly bill No. 172, entitled an Act to divide the Tenth Judicial District, and to create a new judicial district, and to fix the terms thereof, report the same back with a substitute, and recommend the adoption and passage of the same.

The substitute, together with the original bill, on motion of Mr. Dawley, were made the special order for Monday next, at 12 o'clock.

The following message was received from the Senate :

I am instructed to inform the Assembly that the Senate passed, on the 24th inst., Assembly bill for an Act to legalize certain affidavits made before the County Recorders of this State, as therein shown ; in which their concurrence is asked.

JOHN Y. LIND, Secretary.

Senate amendments to the above bill concurred in by the House.

The following message was also received from the Senate :

I am instructed to inform the Assembly that the Senate passed, on the 21st inst., a bill for an Act giving power to the Court of Sessions of Sacramento county to cancel taxes assessed for the year 1852. And,

A bill for an Act amendatory of and supplementary to an Act entitled an Act concerning the office of Reporter, passed April 13, 1850 ; which are herewith respectfully submitted.

JOHN Y. LIND, Secretary.

Senate bill No. 148, giving power to the Court of Sessions of Sacramento county read first and second time, and referred to Sacramento delegation.

Senate bill No. 161, above reported, concerning the office of Reporter, passed April 13, 1850 ; read first and second time, and referred to Judiciary Committee.

The following message was also received from the Senate :

I am instructed to inform the Assembly that the Senate this day concurred in Assembly Resolution relative to accounts for State Printing ; have amended the same as therein shown, and have appointed on their part Messrs. Coffroth, McGary, and Lent, to act with Assembly committee.

They have also concurred in Assembly's Resolution, that the Committees on Public Lands of the respective Houses act jointly.

JOHN Y. LIND, Secretary.

The amendment made by the Senate to Assembly Concurrent Resolution adopted by the House.

On motion of Mr. Sweetland, the House adjourned until 10 o'clock to-morrow.



## HOUSE OF ASSEMBLY.

WEDNESDAY, April 26, 1854.

House met pursuant to adjournment.

The roll was called and the following members were absent :

Messrs. Bagley, Bostwick, Bradford, Conness, Ewer, Fairfield, Gilbert, Green, Griffith, Herbert, Hubert, Irwin, Kell, McGee, Nichols, J. W. Park, Purdy, Rowan, Spencer, Stow, Warmcastle and Whitman.

The Journal of Tuesday was read and approved.

On motion, leave of absence was granted to Mr. Whitman for one day ; to Mr. Spencer for three days ; to Mr. Stow for two days ; to Mr. Fairfield for one day.

Mr. Conness introduced a bill for an Act to amend an Act to authorize the formation of Corporations for the construction of Plank or Turnpike Roads, passed May 12, 1853.

Read first and second time and referred to Committee on Corporations.

Mr. Bennett introduced a bill for an Act to provide for the selection of lands donated by the General Government to the State of California.

Read first and second time, and two hundred and forty copies ordered to be printed, and the bill referred to Committee on Public Lands.

Mr. Rowan introduced a bill for an Act to authorize Frederick D. Kohler and Thomas H. Dowling to hold and occupy certain lands in the Bay of San Francisco.

Read first time, and ordered a second reading on to-morrow.

Mr. Myers introduced a bill for an Act to extend the Water Front of the city of San Francisco, and to dispose of estates therein, escheated to the State of California.

Read first and second time and two hundred and forty copies ordered to be printed, and the bill referred to Committee on Commerce.

Mr. Hoff, chairman, made the following report :

The Committee on Claims to whom was referred Senate bill No. 164, entitled an Act appropriating money to pay D. D. Colton for services rendered the State, have had the same under consideration, report the same back to the House and recommend its passage.

On motion of Mr. Kellogg the House resolved itself into Committee of the Whole, Mr. Kellogg in the Chair, to consider the bill.

After spending some time in its consideration, the committee rose, reported the bill back without amendment, recommended the passage of the bill and asked to be discharged from its farther consideration.

The committee was discharged.

The bill was read a third time, and upon its passage

Messrs. McKinney, Carrillo and McHenry, demanded the yeas and nays.

YEAS.

Messrs. Anderson, Ballou, Briggs, Clingan, Conness, Dannels, Fairfield, Gilbert, Godard, Horr, Hunt, James, Jones, Kellogg, Musser, Myres, McBrayer, McDonald, McKinney, Nichols, O'Neil, F. A. Park, J. W. Park, Ring, Springer, Tallmadge, Van Cleft and Whipple—28.

## NAYS.

Messrs. Bennett, Bostwick, Bowie, Burton, Carr, Carrillo, Cornwall, Hagan, Hastings, Henry, Hollister, Hubbard, Hunter, Letcher, Lindsey, Mandeville, McDuffie, Noel, Stemmons, Stevenson, Sweasey, Sweetland and Watkins—23.

So the bill passed.

Mr. Myers moved to reconsider the vote just taken upon the passage of the Senate bill No. 164.

Mr. Mandeville moved to lay the motion to reconsider upon the table.

Agreed to.

Mr. Myers, Chairman, made the following report :

The Judiciary Committee herewith report to the House, Senate bill No. 161, entitled an Act amendatory of and supplementary to an Act entitled an Act concerning the office of Reporter, passed April 13, 1850, with an amendment thereto, and recommend its passage as amended.

On motion of Mr. Conness, the House resolved itself into Committee of the Whole, Mr. Bostwick in the chair, to consider the bill.

After spending some time in the consideration of the bill, and amending the same, on motion, the committee rose, reported the bill back as amended, recommended the passage of the bill, and asked to be discharged from its farther consideration.

The committee was discharged.

The amendments made in Committee of the Whole were concurred in, the bill read a third time, and passed.

The hour of 12 having arrived, the special order was taken up, which was Assembly bill No. 253, to provide for the reclamation of the Swamp and Overflowed Lands belonging to the State of California.

On motion of Mr. Van Cleft, the House resolved itself into Committee of the Whole, Mr. Van Cleft in the chair, to consider the bill.

After spending some time in its consideration, and amending the same,

On motion, the committee rose, reported the bill back as amended, and asked to be discharged from its further consideration.

The committee was discharged.

Mr. F. A. Park moved to reconsider the vote which discharged the Committee of the Whole from the consideration of the Assembly bill No. 253.

The vote was reconsidered, and the House resolved itself into Committee of the Whole farther to consider the bill.

After spending some time in its consideration, and making amendments thereto,

On motion, the committee rose, reported the bill back as amended, without any recommendation, and asked to be discharged.

The committee was discharged.

On motion, the bill was made the special order for Wednesday next at 12 o'clock.

The hour of 2 o'clock having arrived, the special order for that hour was taken up, which was Assembly bill No. 94, an Act to amend an Act concerning Crimes and Punishments, passed April 16, 1850—

Upon its final passage,

Mr. Bradford moved to adjourn.

Messrs. Rowan, Van Cleft, and Hubbard, demanded the yeas and nays.

## YEAS.

Messrs. Bennett, Bowie, Bradford, Briggs, Burton, Clingan, Davidson, Gordon,

Hagans, Hastings, Henry, Herbert, Hunter, James, Lindsey, Mandeville, McKinney, Nichols, Noel, Stemmons, Sweetland, Tivy, Watkins, Whipple, and the Speaker.—24.

## NAYS.

Messrs. Anderson, Ashley, Bagley, Ballou, Bostwick, Cornwall, Dannels, Dawley, Fairfield, Gilbert, Godard, Griffith, Hoff, Hollister, Horr, Hubbard, Hunt, Irwin, Jones, Kellogg, Letcher, Musser, Myres, McBrayer, McDonald, O'Neil, F. A. Park, Purdy, Ring, Rowan, Springer, and Van Cleft—32.

Mr. Fairfax moved to take the vote over again.

Not agreed to.

The vote was then announced, and the House refused to adjourn.

Mr. Jones moved to lay the bill on the table.

Not agreed to.

Mr. Hoyt moved to refer the bill to Mr. Ashley, with instructions to strike out the Mongolian and dwelling clause.

Not agreed to.

On the passage of the bill,

Messrs. Mandeville, Sweetland, and J. W. Park, demanded the yeas and nays.

## YEAS.

Messrs. Anderson, Ashley, Ballou, Bennett, Bowie, Bradford, Burton, Carr, Clingan, Conness, Cornwall, Davidson, Dawley, Gilbert, Gordon, Hagans, Hastings, Henry, Herbert, Hoff, Hollister, Horr, Hunt, Hunter, James, Letcher, Lindsey, Mandeville, Musser, Myers, McBrayer, McDonald, McDaniel, McKinney, Nichols, Noel, O'Neil, F. A. Park, J. W. Park, Purdy, Rowan, Stemmons, Stevenson, Sweetland, Tivy and Mr. Speaker—46.

## NAYS.

Messrs. Bagley, Bostwick, Carillo, Dannels, Fairfield, Godard, Hoyt, Hubbard, Jones, Ring, Springer, Sweasey, Van Cleft, and Watkins—14.

Mr. Nichols gave notice that he would move to reconsider the vote just taken on to-morrow.

Hr. Herbert moved to adjourn.

Mr. Bagley moved a call of the House.

The call was not sustained.

On the motion to adjourn, Messrs. Conness, Hubbard and Springer demanded the yeas and nays.

## YEAS.

Messrs. Anderson, Bennett, Bradford, Burton, Carr, Clingan, Cornwall, Davidson, Gordon, Hagans, Hastings, Henry, Herbert, Hunter, James, Letcher, Lindsey, Mandeville, McBrayer, McDaniel, McKinney, Noel, J. W. Park, Stemmons, Stevenson, Sweetland, Tivy, Watkins, Whipple, and Mr. Speaker—30.

NAYS.

Messrs. Ashley, Bagley, Ballou, Bostwick, Carrillo, Conness, Dannels, Dawley, Fairfield, Gilbert, Godard, Hoff, Hollister, Horr, Hoyt, Hubbard, Hunt, Jones, Musser, Myres, McDonald, Nichols, O'Neil, F. A. Park, Purdy, Ring, Rowan, Springer, Sweasey, Tallmadge, and Van Cleft—31.

So the House refused to adjourn.

Mr. Springer moved to reconsider the vote of yesterday which passed Assembly Bill No. 282, in reference to the office of State Treasurer.

Mr. Stemmons moved a call of the House,  
And Messrs. Mandeville, Stemmons, and McDaniel, demanded the yeas and nays.

YEAS.

Messrs. Anderson, Bennett, Bradford, Burton, Carr, Carrillo, Cornwall, Gordon, Hagans, Hastings, Henry, Hunter, Letcher, Lindsey, Mandeville, McDaniel, Noel, W. Park, Stemmons, Stevenson, Sweetland, Tivy, Whipple, and Mr. Speaker—24.

NAYS.

Messrs. Ashley, Bagley, Ballou, Bostwick, Clingan, Dannels, Dawley, Fairfield, Gilbert, Godard, Griffith, Hoff, Hollister, Horr, Hoyt, Hubbard, Hunt, Jones, Musser, Myres, McBrayer, McDonald, McKinney, O'Neil, F. A. Park, Purdy, Ring, Rowan, Springer, Sweasey, Tallmadge, Van Cleft, and Watkins—33.

So the House refused to sustain the call.

Mr. Mandeville moved to adjourn.

The Speaker, Mr. O'Neil in the chair, decided the motion to adjourn in order ;  
From which decision Mr. Conness appealed.

Upon which Messrs. Conness, Carrillo and Bagley demanded the yeas and nays.

YEAS.

Messrs. Anderson, Bennett, Bradford, Burton, Carr, Carrillo, Clingan, Cornwall, Davidson, Gordon, Hagans, Hastings, Henry, Herbert, Hunter, James, Letcher, Lindsey, Mandeville, McDaniel, McKinney, Noel, J. W. Park, Stemmons, Stevenson, Sweetland, Tivy, Watkins, Whipple, and Mr. Speaker.—30.

NAYS.

Messrs. Ashley, Bagley, Ballou, Bostwick, Conness, Dannels, Dawley, Fairfield, Gilbert, Godard, Griffith, Hoff, Hollister, Horr, Hoyt, Hubbard, Hunt, Jones, Musser, Myers, McBrayer, McDonald, Nichols, F. A. Park, Purdy, Ring, Rowan, Springer, Sweasey, Tallmadge, and Van Cleft.—31.

So the decision of the chair was not sustained.

Mr. Springer demanded the previous question,

Upon which Messrs. Mandeville, James and Hastings demanded the yeas and nays.



## YEAS.

Messrs. Ashley, Bagley, Ballou, Clingan, Conness, Dawley, Fairfield, Gilbert, Godard, Griffith, Hollister, Horr, Hoyt, Hubbard, Hunt, Jones, Kellogg, Musser, Myers, McDonald, Nichols, F. A. Park, Pratt, Purdy, Ring, Rowan, Springer, Sweasey, Tallmadge and Van Cleft.—30.

## NAYS.

Messrs. Anderson, Bennett, Bostwick, Bradford, Burton, Carr, Carrillo, Cornwall, Dannels, Davidson, Gordon, Hagans, Hastings, Henry, Herbert, Hoff, Hunt, James, Letcher, Lindsey, Mandeville, McDaniel, McKinney, Noel, O'Neil, J. W. Park, Stemmons, Stevenson, Sweetland, Tivy, Watkins, Whipple and Mr. Speaker—33.

So the previous question was not sustained.

Mr. Bradford moved a call of the House; and,

Messrs. Bradford, Mandeville, and Hastings demanded the yeas and nays.

## YEAS.

Messrs. Anderson, Bennett, Bostwick, Bradford, Briggs, Burton, Carr, Carril Cornwall, Gordon, Hagans, Hastings, Henry, Herbert, Hunter, James, Lindsey, Mandeville, McDaniel, McKinney, Noel, O'Neil, J. W. Park, Stemmons, Stevenson, Sweetland, Tivy, Whipple and Mr. Speaker—29.

## NAYS.

Messrs. Ashley, Bagley, Ballou, Clingan, Conness, Dannels, Davidson, Dawley, Fairfield, Gilbert, Godard, Griffith, Hoff, Hollister, Horr, Hoyt, Hubbard, Hunt, Jones, Kellogg, Musser, McDonald, Nichols, F. A. Park, Pratt, Purdy, Ring, Rowan, Springer, Sweasey, Tallmadge, Van Cleft and Watkins—33.

So the call was not sustained.

Upon the vote to reconsider, Messrs. Mandeville, Hastings and Dawley demanded the yeas and nays.

## YEAS.

Messrs. Ashley, Bagley, Ballou, Briggs, Conness, Dannels, Dawley, Fairfield, Gilbert, Godard, Griffith, Hoff, Hollister, Horr, Hoyt, Hubbard, Hunt, Jones, Kellogg, Musser, Myres, McDonald, Nichols, F. A. Park, Pratt, Purdy, Ring, Rowan, Springer, Sweasey, Tallmadge, and Van Cleft—32.

## NAYS.

Messrs. Anderson, Bennett, Bostwick, Bradford, Burton, Carr, Carrillo, Clingan, Cornwall, Davidson, Gordon, Hagans, Hastings, Henry, Herbert, Hunter, James, Letcher, Lindsey, Mandeville, McDaniel, McKinney, Noel, J. W. Park, Stemmons, Stevenson, Sweetland, Tivy, Watkins, Whipple, and Mr. Speaker—31.

So the vote was reconsidered.

On motion of Mr. Dawley, the House adjourned until 10 o'clock to-morrow.

# HOUSE OF ASSEMBLY.

THURSDAY, April 27, 1854.

House met pursuant to adjournment.

The roll was called and the following members were absent :

Messrs. Bagley, Bennett, Gilbert, Green, Griffith, Hoff, Irwin, Koll, Myres, Brayer, McDuffie, McKinney, O'Neil, J. W. Park, Purdy, Rowan, Springer, and Van Cleft.

The Journal of Wednesday was read and approved.

Mr. Hubbard introduced a bill for an Act to amend the twelfth section of an Act passed April 30, 1853, to provide for the measurement of lumber.

Read first and second time and referred to Committee on Commerce.

Mr. Gordon introduced a bill for an Act to amend an Act concerning the Courts of Justice of this State and Judicial officers, approved May 19, 1853.

Read first and second time and referred to Judiciary Committee.

Mr. Mandeville made the following report :

The Committee on Mines and Mining Interests have had under consideration a bill for an Act for the protection of persons owning timber logs and timber floating on waters, or carried upon adjoining lands, have directed me to report the bill back to the House without recommendation, and ask to be discharged from the further consideration of the subject, Assembly bill No. 176, above reported.

On motion of Mr. Sweetland, the House resolved itself into Committee of the whole, Mr. Mandeville in the chair, to consider the bill. After spending some time in its consideration and amending the same, on motion, the committee rose, reported the bill back as amended and asked to be discharged from its further consideration. The committee were discharged.

The amendments made in Committee of the Whole were concurred in by the House.

The bill read a third time.

Mr. McDaniel moved to reconsider the third reading of the bill.

Agreed to.

Mr. McDaniel moved to amend the sixth section of the bill in the form of a proviso.

Amendment agreed to.

The bill was then read a third time.

Mr. Ewer moved to lay the bill on the table.

Not agreed to.

Upon the passage of the bill Messrs. McDuffie, Ballou and Sweetland demanded the yeas and nays.

YEAS.

Messrs. Anderson, Ashley, Ballou, Bennett, Briggs, Conness, Cornwall, Dannels, Fairfield, Godard, Gordon, Hagans, Hoff, Hollister, Hoyt, Hubbard, Hunt, James,

Jones, Letcher, Myres, McBrayer, O'Neil, Pratt, Springer, Stemmons, Stevenso Sweasey, Sweetland, Tallmadge, and Van Cleft—31.

## NAYS.

Messrs. Bostwick, Bowie, Burton, Carrillo, Clingan, Dawley, Ewer, Gilbert, Griffith, Henry, Herbert, Lindsey, Mandeville, McDuffie, Nichols, F. A. Par. Ring, Stow, Tivy, Watkins, Whipple, Whitman, and Mr. Speaker—23.

So the bill passed.

Mr. O'Neil moved to reconsider the vote just taken.

Mr. Conness moved to lay the motion to reconsider on the table,

Upon which, Messrs. McBrayer, Hubbard and Pratt demanded the yeas and nays.

## YEAS.

Anderson, Ashley, Ballou, Bennett, Briggs, Conness, Cornwall, Dannels, Fairfield, Godard, Gordon, Hagans, Hoff, Hollister, Hoyt, Hubbard, Hubert, James, Myres, McDonald, O'Neil, Pratt, Springer, Stemmons, Stevenson, Stow, Sweasey, Sweetland, Tallmadge, Van Cleft, and Whitman—31.

## NAYS.

Messrs. Bostwick, Bowie, Bradford, Burton, Clingan, Davidson, Dawley, Ewer, Gilbert, Griffith, Henry, Horr, Hunt, Hunter, Irwin, Jones, Kellogg, Lindsey, Mandeville, McBrayer, McDuffie, Nichols, Noel, F. A. Park, Ring, Rowan, Tivy, Watkins, Whipple, and Mr. Speaker—30.

So the motion to reconsider was laid upon the table.

Mr. O'Neil, chairman, made the following report :

The Committee on Engrossment have examined and find correctly engrossed,

"An Act supplementary to and explanatory of an Act entitled An Act making Appropriations for the Civil Expenses of Government of the State for the unexpired portion of the fiscal year ending on the 30th day of June, A. D., 1854, and for the first seven months of the fiscal year commencing on the first day of July, 1854."

"An Act to amend An Act to provide for the Sale of the Interest of the State of California in the Property within the Water Line Front of the city of San Francisco, as defined in and by the Act entitled An Act to provide for the Disposition of certain Property of the State of California, passed March 26, 1853."

"An Act to protect the Owners of Wood and Wood Yards against the illegal acts of Steamboat Officers and Masters."

"An Act to authorize William Roberts and others to build a Wharf at Buckeport, in Humboldt county."

"An Act to provide for the Erection of a Jail in the county of Monterey."

An Act to amend an Act entitled an Act concerning Judges of the Plains, (Jueces del Campo,) and defining their duties, passed April 25, 1851.

And also an Act to authorize Wm. F. McLean and George Collonay to build a

wharf in the county of San Francisco, beyond the western limits of the city of San Francisco, and near to said line.

Also an Act to amend an Act entitled an Act to regulate Roads, approved April 30, 1851.

On motion, Mr. Jones had leave to change his vote on the passage of Assembly bill No. 176.

The hour of 12 having arrived, the special order was taken up, which was Assembly bills No. 227 and 272—in reference to the Water Front in San Francisco, and Escheated Estates—and made the special order for Tuesday next, at 12 o'clock.

Mr. Tivy, chairman, made the following report :

The Joint Committee on Enrollment on yesterday, the 26th instant, presented to His Excellency the Governor, for his approval, the following Acts, viz :

An Act to amend the seventh section of an Act entitled an Act to incorporate the city of San Jose, passed March 27, 1850.

An Act to provide for the Survey of a portion of the Northern Boundary of this State.

An Act to provide for the payment of the compensation due certain members and attaches of the Legislature of this State. And,

An Act allowing the Court of Sessions of Yuba county to levy a special tax for the support of the Indigent Sick of said county.

JOS. A. TIVY,

Chairman Committee on Enrollment.

Mr. Bostwick made the following report :

The Committee on Corporations, to whom was referred Assembly bill No. 295, for an Act to amend chapter eight, section one hundred and seventy-five, of an Act concerning Corporations, have had the same under consideration, offer a substitute therefor, and recommend its passage.

On motion of Mr. Ashley, the bill and substitute was recommitted to the Committee on Corporations, with instructions.

Mr. Bostwick, chairman, reported back Assembly bills 167 and 187, in reference to railroads, and recommended that the bills be referred to the special committee upon the subject, Mr. Jones, chairman.

Agreed to.

Mr. Hoff, chairman, made the following report :

Your Committee on Claims have had under consideration Assembly bill No. 204, entitled an Act for the relief of John Boling, Sheriff of Mariposa county, and after a careful investigation, are of opinion that the amount claimed for services is not properly chargeable to the State under existing laws; they, therefore, most respectfully recommend that the bill be not passed.

On motion of Mr. Herbert, the House resolved itself into Committee of the Whole, Mr. Bostwick in the chair, to consider the above bill.

After spending some time in its consideration, the committee rose, reported the bill back without amendment, and asked to be discharged from its farther consideration.

The committee was discharged.

Mr. O'Neil moved the previous question.

The previous question was sustained.



The bill was then read a third time, and upon its passage Messrs. Conness, Hoff and James, demanded the yeas and nays.

## YEAS.

Messrs. Anderson, Bennett, Bowie, Bradford, Briggs, Carr, Carrillo, Hastings, Henry, Herbert, Horr, Hubert, Hunter, James, Letcher, Mandeville, McBrayer, McDuffie, McKinney, Nichols, Noel, O'Neil, Rowan, Stemmons, Stevenson, Stow, Tivy, Van Cleft, Watkins, Whipple and Whitman—31.

## NAYS.

Messrs. Bagley, Ballou, Burton Conness, Dawley, Fairfield, Gilbert, Hoff, Jones, Kellogg, McDonald, Pratt, Ring, Springer, Sweasey and Tallmadge—16.

So the bill passed.

Mr. Griffith made the following report :

The Committee of Roads and Highways, to whom was referred Assembly bill No. 265, for an Act granting Joseph R. Beales and others the right to construct a Toll Bridge across the Pajara River—having had the bill under consideration, report the same back without amendment, and recommend its passage.

Assembly bill No. 265, above reported, on its third reading.

Mr. Ashley moved to amend the bill by striking out Santa Clara and insert Monterey, in third section, seventh line.

Adopted.

Mr. Conness moved to amend the first proviso.

Mr. Letcher offered a substitute to the amendment offered by Mr. Conness.

Adopted.

The bill was read a third time, and upon its passage Messrs. Sweetland, Conness, and Springer, demanded the yeas and nays.

## YEAS.

Messrs. Ashley, Bennett, Bowie, Briggs, Burton, Carr, Carrillo, Cornwall, Davidson, Dawley, Fairfield, Gilbert, Griffith, Hagan, Henry, Herbert, Hollister, Horr, Hubbard, Hubert, Hunt, Hunter, Irwin, James, Letcher, Musser, McBrayer, McDuffie, McKinney, Nichols, Noel, F. A. Park, Pratt, Stemmons, Stow, Stevenson, Van Cleft, Watkins and Whitman—39.

## NAYS.

Messrs. Anderson, Ballou, Conness, Dannels, Ewer, Gordon, Jones, Lindsey, Mandeville, McDonald, McDaniel, O'Neil, Sweasey, Sweetland and Tallmadge—15.

So the bill passed.

Mr. McBrayer, Chairman, made the following report :

The Sacramento delegation, to whom was referred Senate bill No. 148, have had the same under consideration, and ask leave to report it back, and recommend its passage.

Senate bill No. 148, above reported, read a third time and passed.

The hour of 2 o'clock having arrived the special order set for that hour was taken up for consideration, which was Assembly bill No. 105, an Act to amend an Act entitled an Act concerning the Courts of Justice of this State and Judicial officers, passed May 19, 1853, on its final passage.

The bill did not pass.

Mr. Letcher, chairman, reported back to the House Assembly bill No. 258, an Act concerning Estray Animals, with sundry amendments, and recommended the adoption of the amendments and the passage of the bill.

Mr. Mandeville moved to make the bill the special order for Wednesday next at 12 o'clock.

Mr. Dawley moved to adjourn.

Not agreed to.

The vote was then taken upon the motion made by Mr. Mandeville to make the bill the special order.

Not agreed to.

Mr. Mandeville moved to lay the bill on the table.

Not agreed to.

Mr. Burton moved to go into Committee of the Whole to consider the bill.

Not agreed to.

Mr. Mandeville moved to make the bill the special order for Monday next at 2 o'clock.

Not agreed to.

Mr. Stevenson moved to adjourn.

Not agreed to.

Mr. Letcher moved to make the bill the special order for 11 o'clock to-morrow.

Agreed to.

Mr. McDuffie, from the delegation of Yuba county, reported back Assembly bill No 288, an Act amendatory to the Act incorporating the city of Marysville, with amendments, recommended the adoption of the amendments and the passage of the bill.

The amendments were adopted.

The bill was read a third time and passed.

Mr. Stemmons made the following report :

The delegation from San Joaquin county, to whom was referred a bill entitled an Act to authorize the Court of Sessions of said county to levy and collect a special tax for the support and maintainance of the indigent sick therein, have had the same under consideration, and beg leave to report the same back and recommend that it pass.

The bill was read a third time and passed.

Mr. Nichols, agreeable to notice, moved to reconsider the vote of yesterday which passed Assembly bill No. 94 concerning crimes and punishments.

The House refused to reconsider the vote.

Mr. Pratt moved to adjourn.

Not agreed to.

Mr. O'Neil made the following report :

The Committee on Engrossment have examined and found correctly engrossed ]

An Act concerning the office of Secretary of State.

Also, an Act concerning Roads and Highways.

The following message was received from the Governor :

I have this day approved the following Acts which originated in the Assembly, viz :

An Act to provide an office for the County Surveyor of San Joaquin county.

Also, an Act to fund the debt of Solano county and to provide for the payment thereof.

JOHN BIGLER.

The following message was received from the Senate :

I am instructed to inform the Assembly that the Senate passed yesterday, Assembly bill for "An Act to provide for the payment of certain expenses."

Assembly bill for "An Act to amend an Act to establish an Asylum for the Insane of the State of California," approved May 17, 1853, with an amendment as therein shown.

Also, Assembly bill for "An Act to adjust the amount of indebtedness of the county of Alameda to the county of Santa Clara, and provide for the payment of the same," with amendments as therein shown.

They also passed a concurrent resolution, granting leave of absence from the State to Peter O. Bertine, Esq., County Treasurer of Tuolumne county.

All of which is respectfully submitted.

JOHN Y. LIND, Secretary.

Assembly bill No. 218, amendment of the Senate concurred in by the House.

Assembly bill No. 233, relating to Santa Clara and Alameda counties, Senate amendments concurred in by the House.

Senate concurrent resolution granting leave of absence to Peter O. Bertine,  
On motion was laid upon the table.

Mr. Mandeville moved to go into consideration of Assembly bill No. 282, an Act concerning the State Treasurer.

Mr. Springer moved to adjourn, and,

Messrs. James, Mandeville and Carrillo, demanded the yeas and nays.

YEAS.

Messrs. Ashley, Bagley, Ballou, Conness, Dannels, Dawley, Fairfield, Gilbert, Hoff, Hollister, Hoyt, Hubbard, Hunt, Irwin, Jones, Kellogg, Musser, McDonald, Nichols, O'Neil, F. A. Park, Pratt, Ring, Rowan, Springer, Sweasey and Tallmadge—27.

NAYS.

Messrs. Anderson, Bennett, Bostwick, Bowie, Bradford, Burton, Carr, Carrillo, Clingan, Cornwall, Davidson, Ewer, Gordon, Griffith, Hagans, Hastings, Henry, Herbert, Horr, Hunter, James, Letcher, Lindsey, Mandeville, McBrayer, McDuffie, McDaniel, McKinney, Noel, J. W. Park, Stemmons, Stevenson, Stowe, Sweetland, Tivy, Van Cleft, Warmcastle, Watkins, Whipple, Whitman, and Mr. Speaker—41.

So the House refused to adjourn.

Mr. Conness moved a call of the House,

And Messrs. Hubbard, Springer and Pratt demanded the yeas and nays.

## YEAS.

Messrs. Ashley, Bagley, Ballou, Conness, Dannels, Dawley, Fairfield, Gilbert, Hoff, Horr, Hoyt, Hubbard, Hunt, Irwin, Jones, Musser, McBrayer, McDonald, Nichols, F. A. Park, Pratt, Ring, Rowan, Springer, Sweasey, Tallmadge, Van Cleft, and Whipple—28.

## NAYS.

Messrs. Anderson, Bennet, Bostwick, Bowie, Bradford, Burton, Carr, Carillo, Clingan, Cornwall, Davidson, Ewer, Gordon, Griffith, Hagans, Hastings, Henry, Herbert, Hubert, Hunter, James, Kellogg, Letcher, Lindsey, Mandeville, McDuffie, McDaniel, McKinney, Noel, J. W. Park, Stemmons, Stevenson, Stow, Sweetland, Tivy, Warmcastle, Watkins, Whitman, and Mr. Speaker—39.

So the House did not sustain the call.

Mr. Lindsey demanded the previous question,

And Messrs. Pratt, Hubbard and Hunter, demanded the yeas and nays.

## YEAS.

Messrs. Bennett, Bostwick, Bowie, Bradford, Burton, Carr, Carillo, Clingan, Cornwall, Davidson, Ewer, Gordon, Hagans, Hastings, Henry, Herbert, Hunter, James, Letcher, Lindsey, Mandeville, McBrayer, McDuffie, McDaniel, McKinney, Noel, O'Neil, J. W. Park, Stemmons, Stevenson, Stow, Sweetland, Tivy, Warmcastle, Whipple, Whitman, and Mr. Speaker—38.

## NAYS.

Messrs. Anderson, Ashley, Bagley, Ballou, Conness, Dannels, Fairfield, Gilbert, Hoff, Horr, Hoyt, Hubbard, Hubert, Hunt, Irwin, Jones, Musser, McDonald, Nichols, F. A. Park, Pratt, Ring, Rowan, Springer, Sweasey, Tallmadge, Van Cleft, and Watkins—28

So the previous question was sustained.

Upon the motion of Mr. Mandeville to go into the consideration of the bill,

Messrs. Hubbard, James and Mandeville demanded the yeas and nays.

## YEAS.

Messrs. Anderson, Bennett, Bostwick, Bowie, Bradford, Burton, Carr, Carrillo, Clingan, Cornwall, Davidson, Ewer, Fairfield, Gordon, Hagans, Hastings, Henry, Herbert, Hunter, James, Letcher, Lindsey, Mandeville, McBrayer, McDuffie, McDaniel, McKinney, Noel, J. W. Park, Stemmons, Stevenson, Stow, Sweetland, Tivey, Van Cleft, Warmcastle, Watkins, Whipple, Whitman, and Mr. Speaker—40.



## NAYS.

Messrs. Ashley, Bagley, Ballou, Gilbert, Hubbard, Hubert, Hunt, Irwin, Musser, Nichols, Rowan, Springer, and Sweasey—13.

So the House agreed to go into the consideration of the bill.

The vote then coming up upon the passage of the bill,

Messrs. Mandeville, Bennett, and Carrillo, demanded the yeas and nays.

Those who voted in favor of the passage of the bill were

Messrs. Anderson, Bennett, Bostwick, Bowie, Bradford, Burton, Carr, Carrillo, Clingan, Cornwall, Davidson, Ewer, Gordon, Hagans, Hastings, Henry, Herbert, Hunter, James, Kellogg, Letcher, Lindsey, Mandeville, McBrayer, McDuffie, McDaniel, McKenney, Noel, J. W. Park, Stemmons, Stevenson, Stowe, Sweetland, Tivy, Warmcastle, Watkins, Whipple, Whitman, and Mr. Speaker—39.

Those who opposed the bill were

Messrs. Bagley, Hubert, Hunt, and Rowan—4.

So the bill passed.

Mr. Hoff objected to the title of the bill.

The Chair decided that the title of the bill could not be amended; that a reconsideration of the passage of the bill did not reconsider the title.

From which decision, Mr. Conness appealed.

The question then came up, "Shall the decision of the Chair stand as the judgment of the House?"

Upon which question, Messrs. Conness, Hoyt, and McDonald, demanded the yeas and nays.

Those who voted to sustain the Chair were

Messrs. Anderson, Bennett, Bostwick, Bowie, Bradford, Burton, Carr, Carrillo, Clingan, Cornwall, Davidson, Ewer, Gordon, Hagans, Hastings, Henry, Herbert, Hubert, Hunter, Irwin, James, Lindsey, Mandeville, Musser, McDuffie, McDaniel, McBrayer, McKinney, Nichols, Noel, O'Neil, J. W. Park, Stemmons, Stevenson, Stowe, Sweetland, Tivy, Van Cleft, Warmcastle, Watkins, Whipple, and Whitman—42.

The one who voted against sustaining the decision of the Chair, was

Mr. Letcher—1.

So the Chair was sustained.

Mr. Herbert moved to adjourn, upon which

Messrs. Bradford, Hoyt, and Hubbard, demanded the yeas and nays.

Those who voted to adjourn were

Messrs. Anderson, Bennett, Bostwick, Bowie, Bradford, Burton, Carr, Carrillo, Clingan, Cornwall, Davidson, Ewer, Gordon, Hagans, Hastings, Henry, Herbert,

Horr, Hubert, Hunter, James, Letcher, Lindsey, Mandeville, Musser, McDuffie, McDaniel, McKinney, Noel, O'Neil, J. W. Park, Stemmons, Stevenson, Stowe, Sweetland, Tivy, Warmcastle, Watkins, and the Speaker—39.

Those who opposed adjournment were

Messrs. Ashley, Ballou, Hoff, Hoyt, Hunt, Irwin, Kellogg, F. A. Park, Purdy, Ring, Rowan, Springer, Sweasey, Tallmadge, Whipple, and Whitman—16.

So the House adjourned until 10 o'clock to-morrow.

## HOUSE OF ASSEMBLY.

FRIDAY, April 28, 1854.

House met pursuant to adjournment.

The roll was called and the following members were absent :

Messrs. Bagley, Ballou, Bowie, Carr, Gilbert, Gordon, Green, Griffith, Herbert, Irwin, McDuffie, Nichols, F. A. Park, Purdy, Ring, Rowan, Tallmadge and Whitman.

The Journal of Thursday was read and approved.

On motion, leave of absence was granted to Mr. Briggs, indefinitely, in consequence of sickness, and to Mr. Green for two days.

Mr. Houghtaling presented a petition numerously signed by citizens of Ione Valley, Calaveras county, in reference to a Seminary in said Valley.

Petition read and referred to Committee on Education.

Mr. McBrayer introduced a bill for an Act supplementary to an Act entitled an Act concerning Elections, approved March 23, 1850.

Read first and second time and referred to Committee on Elections.

Mr. Tivy, chairman, made the following report :

The Joint Committee on enrolled bills, have examined and find correctly enrolled the following Acts, viz :

An Act appropriating money to pay D. D. Colton, for services rendered the State ; and,

An Act to legalize certain affidavits made before the County Recorders of this State.

Mr. O'Neil, chairman, made the following report :

The Committee on Engrossment have examined and find correctly engrossed, an Act to establish Pilots and Pilot Regulations for the port of San Francisco.

Mr. Hunter introduced a bill for an Act to amend an Act entitled an Act concerning Marks and Brands, passed May 1, 1850.

Read first and second time, and referred to Committee on Agriculture.

Mr. Warmcastle introduced a bill for an Act to ascertain the amount of indebtedness of the county of Alameda to the county of Contra Costa, and provide for the payment of the same.

Read first and second time and referred to the delegation from Alameda and Contra Costa.

Mr. Stemmons introduced a bill for an Act to prevent the destruction of fish in the waters of Stockton Slough and Mormon Slough, in San Joaquin county.

Read first and second time, and referred to San Joaquin county delegation.

Mr. Springer introduced a bill for an Act for the relief of Capt. Harry Love.

Read first time and ordered to a second reading on to-morrow.

Mr. Gordon introduced a bill for an Act to change the name of the Sutter, Jackson and Drytown, Water and Mining Company, to that of the Jackson Water Company.

Read first and second time and referred to Committee on Corporations.

Mr. Stemmons introduced a bill for an Act to prevent stallions from running at large.

Read first and second time and referred to Committee on Agriculture.

Mr. F. A. Park introduced a bill for an Act to provide offices for certain county officers in the county of Sacramento.

Read first and second time and referred to the delegation from Sacramento.

Mr. Whitman introduced a bill for an Act for the relief of Luther Wright.

Read first and second time and referred to Committee on Claims.

Mr. Ballou introduced a bill for an Act to define the fees to be charged by Clerks of Courts for the naturalization of foreigners.

Read first and second time and referred to Judiciary Committee.

The following message was received from the Senate.

I am instructed to inform the Assembly that the Senate passed on the 24th inst. a bill for an Act amendatory of an Act entitled an Act to create the county of Stanislaus, approved April 1st, 1854; and on yesterday a bill for an Act to fix the place of residence of certain State officers—and, also, the following Assembly bill for an Act to declare exempt from forced sale, under execution or other process, certain property of the several counties in this State, with an amendment as therein shown. And Assembly bill for an Act to create the office of State Printer, and define the duties and compensation thereof, and to provide for the time and manner of election.

All of which is respectfully submitted.

JOHN Y. LIND, Secretary

Senate bill No. 142, in reference to the county of Stanislaus.

Read first, second, and third time, and passed.

Senate bill No. 150, defining the place of residence of State officers.

Read first time and ordered to a second reading on to-morrow.

Senate amendment to Assembly bill No. 10.

Concurred in by the House.

The hour of 11 o'clock having arrived the special order was taken up, which was Assembly bill No. 258, an Act concerning Estray Animals.

On motion of Mr. O'Neil, the House resolved itself into Committee of the Whole, Mr. Bostwick in the chair, to consider the bill. After spending some time in its consideration, and amending the same, on motion, the committee rose, reported the bill back as amended, and asked to be discharged from its further consideration.

The committee was discharged.

The amendments made in Committee of the Whole were concurred in by the House.

Mr. McKinney moved to strike out "ten" and insert "five" in the first section, third line.

Not agreed to.

Mr. Ewer moved to strike out "may" and insert "shall" in first section.

Not agreed to.

Bill considered as engrossed.

Read a third time and passed.

Mr. Griffith made the following report :

The Committee on Roads and Highways, to whom was referred Assembly bill No. 245 for an Act to amend an Act entitled an Act concerning Toll Bridges, passed May 1, 1851, having considered the same, report the bill back without amendment and recommend its passage.

Assembly bill No. 245, above reported, considered as engrossed, read a third time and passed.

Mr. Van Cleft made the following report :

The Joint Select Committees of the two Houses on Public Lands have considered, and recommend the passage without amendment, of Assembly bill No. 261, for an Act to amend section seven of an Act entitled an Act concerning the office of Surveyor General.

Assembly bill No. 261 on its third reading.

Bill read a third time.

The hour of 12 o'clock having arrived the special order was taken up, which was an Act to take the sense of the people in reference to the permanent Seat of Government.

Mr. Van Cleft moved to lay the special order on the table.

Agreed to.

Mr. Conness moved to amend the first section of the bill in reference to mileage.

Agreed to.

Mr. Jones moved to amend the first section in reference to the employees of the Surveyor.

Agreed to.

Mr. O'Neil moved a call of the House.

The call was not sustained.

Mr. Whipple moved to lay the bill on the table.

Not agreed to.

The bill was then passed.

Mr. Tivy, chairman, made the following report :

The Joint Committee on Enrolled Bills have examined and find correctly enrolled—

An Act to provide for the payment of certain expenses.

Mr. Jones made the following report :

The Select Committee to whom was referred Assembly bill No. 189, for an Act to amend an Act entitled an Act to provide for the incorporation of Railroad Com-



panies, passed April 22, 1853, have had the same under consideration, and ask leave to report the same back without amendment, and recommend its passage.

Assembly bill No. 187, above reported, on its third reading,

Mr. Letcher moved to take up Assembly bill 188.

Agreed to.

And upon his motion, the two bills were reported back to the Committee on Corporations, with instructions to incorporate the bill 187 with the bill 188, upon the same subject.

Mr. O'Neil moved to take from the table Assembly bill No. 110, to take the sense of the people in reference to the Capital.

Agreed to.

Mr. Bagley moved a call of the House.

The call was sustained.

The roll was called, and the following members were absent:

Messrs. Dannels, Gilbert, Green, Hastings, Henry, Hoff, Houghtaling, Hoyt, Hunt, Hunter, Irwin, McBrayer, McDuffie, McDaniel, McKinney, Nichols, J. W. Park, Ring, Rowan, Stevenson, Tivy, Van Cleft, and Watkins.

Messrs. McBrayer, McKinney, and Nichols, were admitted within the bar of the House, and excused.

Mr. Ewer moved to dispense with further proceedings under the call.

Not agreed to.

Mr. Van Cleft was admitted within the bar of the House, and excused.

Mr. Burton moved to dispense with further proceedings under the call.

Not agreed to.

Messrs. Hunter, Hunt, and Tivy, were admitted within the bar of the House, and excused.

Messrs. Dannels, Houghtaling, Rowan, and Gilbert, were admitted within the bar of the House, and excused.

On motion of Mr. Burton, further proceedings under the call were dispensed with.

Mr. Conness moved to make the bill the special order of the day for Friday next, at 12 o'clock.

And Messrs. Carrillo, McKinney, and Carr, demanded the yeas and nays.

#### YEAS.

Messrs. Bagley, Ballou, Bostwick, Burton, Conness, Davidson, Dawley, Fairfield, Gilbert, Godard, Gordon, Griffith, Hollister, Horr, Houghtaling, Hubbard, Hunt, Koll, Lindsey, Musser, Myres, McBrayer, McDonald, Nichols, F. A. Park, Pratt, Purdy, Rowan, Stevenson, Sweetland, and Tallmadge—31.

#### NAYS.

Messrs. Anderson, Ashley, Bennett, Bowie, Carr, Carrillo, Clingan, Cornwall, Dannels, Hagans, Henry, Herbert, Hubert, Hunter, James, Jones, Kellogg, Letcher, Mandeville, McDuffie, McDaniel, McKinney, Noel, O'Neil, Stemmons, Stowe, Tivy, Warmcastle, Whipple, Whitman, and the Speaker—31.

There being an equal number of votes, the motion to refer did not carry.

Mr. Conness moved to refer the bill to the delegation from Sacramento county.

Mr. Bostwick moved to lay the bill on the table.

Not agreed to.

On the motion made by Mr. Conness, Messrs. Conness, McDuffie, and McBrayer, demanded the yeas and nays.

## YEAS.

Messrs. Bagley, Ballou, Conness, Davidson, Dawley, Gilbert, Gordon, Griffith, Hollister, Houghtaling, Hubbard, Jones, Koll, Musser, Myres, McBrayer, McDonald, Nichols, Pratt, Purdy, Rowan, Sweasey, Sweetland, and Tallmadge—24.

## NAYS.

Messrs. Anderson, Ashley, Bennett, Bostwick, Bowie, Burton, Carr, Carrillo, Clingan, Cornwall, Dannels, Fairfield, Godard, Hagans, Henry, Herbert, Horr, Hubert, Hunt, Hunter, James, Kellogg, Letcher, Lindsey, Mandeville, McDuffie, McDaniel, McKinney, Noel, O'Neil, F. A. Park, J. W. Park, Stemmons, Stevenson, Stowe, Tivy, Warmcastle, Whitman, and Mr. Speaker—40.

So the House refused to refer the bill to the Sacramento delegation.

Mr. Myres moved to recommit the bill to the Committee on Public Buildings and Grounds,

And Messrs. McBrayer, Whitman and Bennett demanded the yeas and nays.

## YEAS.

Messrs. Bagley, Ballou, Bostwick, Burton, Conness, Davidson, Dawley, Ewer, Fairfield, Gilbert, Gordon, Griffith, Hagans, Hollister, Horr, Houghtaling, Hubbard, Hunt, Jones, Koll, Lindsey, Musser, Myres, McBrayer, McDonald, Nichols, F. A. Park, J. W. Park, Pratt, Purdy, Rowan, Springer, Stevenson, Sweasey, Sweetland, Tallmadge, and Van Cleft—37.

## NAYS.

Messrs. Anderson, Ashley, Bennett, Bowie, Carr, Carrillo, Clingan, Cornwall, Dannels, Hastings, Henry, Hubert, Hunter, Letcher, Mandeville, McDuffie, McDaniel, McKinney, Noel, O'Neil, Stemmons, Stowe, Tivy, Warmcastle, Whitman, and Mr. Speaker—26.

So the bill was recommitted to the Committee on Public Buildings and Grounds.

The following message was received from the Governor :

I have this day approved the following Acts, which originated in the Assembly, viz :

“ An Act to provide for the Survey of a portion of the Northern Boundary of this State.”

“ An Act to amend the seventh section of an Act entitled An Act to Incorporate the city of San Jose, passed March 27, 1850.”

Also “ An Act to Legalize certain Statements in the form of Affidavits made before the County Recorders of this State.

JOHN BIGLER.

The following message was received from the Senate :

I am instructed to inform the Assembly that the Senate passed, on the 21st inst., a bill for "An Act to authorize the Governor of this State to convey certain Property in the city and county of San Francisco, to the United States, for certain purposes.

Respectfully,  
JOHN Y. LIND.

Senate Bill No. 154, above reported, read first and second time, and referred to a select committee of three.

Messrs. Myres, Whitman and Godard, were appointed said committee.

Mr. O'Neil, chairman, made the following report :

The Committee on Engrossment have examined and find correctly engrossed,

"An Act amendatory to the Act Incorporating the city of Marysville, and to all Acts supplementary and amendatory to the same."

On motion of Mr. Myres,

Assembly Bill No. 279, "An Act to fix the times for holding the Terms of the District Court throughout this State," was taken from the table.

Mr. Springer moved to adjourn,

Agreed to.

And the House adjourned until 10 o'clock to-morrow.

## HOUSE OF ASSEMBLY.

SATURDAY, April 29, 1854.

House met pursuant to adjournment.

The roll was called and the following members were absent :

Messrs. Bagley, Bowie, Conness, Cornwall, Dawley, Gilbert, Godard, Griffith, Hastings, Herbert, Hoff, Hoyt, Hubbard, Hubert, Irwin, McBrayer, McDuffie, McKinney, O'Neil, F. A. Park, Pratt, Rowan, Sweasey, Sweetland, Tallmadge, Whitman and Mr. Speaker.

The Journal of Friday was read, amended, and approved.

On motion, leave of absence was granted for one day to Mr. Sweetland; to Mr. Dawley, for one day; to Mr. F. A. Park, for one day; to Mr. McGee, for five days.

Mr. Horr, moved to reconsider the vote which passed Senate bill No. 142, and, also, to reconsider the third reading of the bill.

Agreed to.

Mr. Horr moved to strike out the word "west" in the second section, eleventh line, and insert the word "east."

Agreed to.

The bill was then read a third time and passed.

Agreeable to resolution of the House the unfinished business was taken up for consideration.

Assembly bill No. 275, an Act to protect the rights of the officers and agents of the State of California.

On motion of Mr. McBrayer the bill was indefinitely postponed.

Assembly bill No. 111, an Act providing for securing the State Prison convicts.

On its third reading

Mr. Conness moved to strike out the second section of the bill.

Agreed to.

Mr. Conness moved to insert after the word "money," General Fund, in seventh line, page two.

Agreed to.

Mr. Myers moved to strike out the enacting clause, and Messrs. Conness, Ballou and Van Cleft demanded the yeas and nays.

#### YEAS.

Messrs. Bowie, Bradford, Fairfield, Gilbert, Herbert, Horr, Houghtaling, Hubbard, Hubert, Mandeville, Myers, McDaniel, Nichols, J. W. Park, Purdy, Ring, Rowan, Stemmons, Stevenson, Stowe, Van Cleft, Whitman and Mr. Speaker—23.

#### NAYS.

Messrs. Anderson, Ashley, Ballou, Bennett, Burton, Carr, Clingan, Conness, Cornwall, Ewer, Godard, Hagans, Henry, Hoyt, Hunt, Hunter, James, Jones, Koll, Letcher, Lindsey, McBrayer, McDonald, McDuffie, McKinney, Noel, Pratt, Spencer, Springer, Sweasey, Tallmadge and Warmcastle—32.

So the House refused to strike out the enacting clause.

Mr. Myers moved to lay the bill on the table.

Not agreed to.

Mr. Conness moved to amend the bill with a proviso.

Mr. Fairfax moved a call of the House.

Not agreed to.

Mr. Myers moved to make the bill the special order for Thursday next at 12 o'clock; and,

Messrs. Myres, Fairfax and Van Cleft demanded the yeas and nays.

#### YEAS.

Messrs. Anderson, Bowie, Bradford, Fairfield, Gilbert, Henry, Herbert, Horr, Houghtaling, Hubbard, Irwin, Lindsey, Mandeville, Myres, McDaniel, Nichols, O'Neil, J. W. Park, Purdy, Ring, Rowan, Stemmons, Stevenson, Van Cleft, Whitman and Mr. Speaker—26.

#### NAYS.

Messrs. Ashley, Ballou, Bennett, Bostwick, Burton, Carr, Conness, Cornwall, Davidson, Ewer, Godard, Hagans, Hastings, Hoyt, Hubert, Hunt, Hunter, James,



Jones, Koll, Letcher, McBrayer, McDonald, McDuffie, McKinney, Noel, Spencer, Springer, Stowe, Sweasey, Tallmadge and Warmcastle—32.

So the House refused to make the bill the special order of the day.

Mr. Fairfax moved to refer the bill to the Judiciary Committee.

Not agreed to.

Mr. Fairfax moved to refer the bill to a select committee.

The Speaker, Mr. Mandeville, in the Chair, decided the motion out of order under the 17th rule of this House.

From which decision Mr. Nichols appealed, and Messrs. Fairfax, Burton and McDonald, demanded the yeas and nays.

#### YEAS.

Messrs. Anderson, Ashley, Ballou, Bennett, Bostwick, Bowie, Burton, Clingan, Cornwall, Davidson, Ewer, Hagan, Henry, Herbert, Horr, Houghtaling, Hubert, Hunt, Hunter, James, Jones, McDonald, McDuffie, Noel, J. W. Park, Spencer, Springer, Stemmons, Stow, Sweasey, Tallmadge, Tivy and Warmcastle—33.

#### NAYS.

Messrs. Bradford, Carr, Fairfield, Hollister, Koll, Letcher, Lindsey, Myers, McKinney, Nichols, O'Neil, Van Cleft, Whipple and Mr. Speaker—14.

So the decision of the Chair was sustained.

Mr. Nichols moved to lay the amendment on the table, and Messrs. Nichols, Bagley and Van Cleft, demanded the yeas and nays.

#### YEAS.

Messrs. Bagley, Bowie, Fairfield, Gilbert, Henry Herbert, Horr, Hubbard, Mandeville, Myers, McDaniel, Nichols, J. W. Park, Ring, Rowan, Stemmons, Stevenson, Van Cleft, Whipple, Whitman and Mr. Speaker—20.

#### NAYS.

Messrs. Anderson, Ashley, Ballou, Bennett, Bostwick, Bradford, Burton, Carr, Clingan, Conness, Cornwall, Davidson, Ewer, Godard, Hagans, Hubert, Hunt, Hunter, James, Jones, Koll, Letcher, McBrayer, McDonald, McDuffie, McKinney, Noel, Spencer, Springer, Stowe, Sweasey, Tallmadge, Tivy and Warmcastle—34.

So the House refused to lay the amendments on the table.

Mr. McBrayer demanded the previous question.

The previous question was sustained.

On the adoption of the amendment offered by Mr. Conness, Messrs. Myres, Van Cleft and O'Neil demanded the yeas and nays:

#### YEAS.

Messrs. Anderson, Ashley, Ballou, Bennett, Bostwick, Bradford, Benton, Carr, Clingan, Conness, Cornwall, Dannels, Ewer, Hagans, Hollister, Hoyt, Hubert, Hunt, Hunter, James, Jones, Kellogg, Koll, Letcher, Lindsey, Musser, McBrayer, McDonald, McDuffie, McKinney, Noel, Pratt, Spencer, Springer, Stowe, Sweasey, Tallmadge, Tivy and Van Cleft—40.

## NAYS.

Messrs. Bagley, Bowie, Davidson, Fairfield, Gilbert, Henry, Herbert, Horr, Loughtaling, Hubbard, Mandeville, Myres, McDaniel, Nichols, O'Neil, J. W. Park, Ring, Rowan, Stemmons, Stevenson, Van Cleft, Whipple and Whittan—23.

So the amendments were adopted.

The bill was then read a third time and passed.

Mr. McBrayer moved to reconsider the vote just taken.

Mr. Conness moved to lay the motion to reconsider the vote on the table.

Agreed to.

The following message was received from the Senate :

I am instructed to inform the Assembly that the Senate passed, yesterday, the following Assembly bills :

An Act supplementary to and explanatory of an Act entitled an Act making appropriations for the civil expenses of Government of the State for the fiscal year ending on the 30th day of June, A. D., 1854, and for the first seven months of the fiscal year commencing on the 1st day of July, 1854; and an Act amendatory to the Act incorporating the city of Marysville, and to all Acts supplementary and amendatory to the same.

Which are herewith respectfully returned.

JOHN Y. LIND, Secretary.

Mr. O'Neil, chairman, made the following report :

The Committee on Engrossment have examined, and find to be correctly engrossed—

An Act for the protection of persons owning timber, logs, and lumber, floating upon waters, or carried upon adjoining lands.

An Act for the relief of John Boling, Sheriff of Mariposa county.

An Act granting Jos. R. Beals, and others, the right to construct a toll bridge across the Pajaro river.

An Act to amend the tenth section of an Act concerning the office of State Treasurer, passed January 24, 1850.

An Act to amend an Act concerning Crimes and Punishments, passed April 16, 1850.

An Act to amend an Act entitled an Act concerning Toll Bridges, passed May 1, 1851.

And an Act to amend section seven of an Act entitled an Act concerning the office of Surveyor General.

Mr. Tivy, chairman, made the following report :

The Joint Committee on Enrolled Bills, on yesterday, the 28th instant, presented to his Excellency the Governor, for his approval—

An Act to legalize certain affidavits made before the County Recorders of this State.

An Act appropriating money to pay D. D. Colton for services rendered the State.

An Act to provide for the payment of certain expenses.

And they have examined and find correctly enrolled the following Acts, viz :

An Act to create the office of State Printer, and define the duties and compensation thereof, and to provide for the time and manner of election.

An Act to declare exempt from forced sale under execution or other process certain property of the several counties in this State.

An Act to adjust the amount of indebtedness of the county of Alameda to the county of Santa Clara, and provide for the payment of the same.

An Act to amend an Act to establish an Asylum for the Insane of the State of California, approved May 17, 1852.

JOS. A. TIVY,

Chairman Committee on Enrolled Bills.

Assembly bill No. 39, an Act to amend an Act concerning Crimes and Punishment, passed April 16, 1850.

On its third reading.

Mr. Myres moved to lay the bill on the table.

Not agreed to.

Mr. Conness moved to indefinitely postpone the bill, and,

Messrs. Myres, O'Neil and Lindsey demanded the yeas and nays.

YEAS.

Messrs. Bagley, Ballou, Clingan, Conness, Dannels, Ewer, Gilbert, Godard, Haggans, Hollister, Hoyt, Hubert, Jones, Kellogg, Koll, Mandeville, Musser, McDonald, Pratt, Purdy, Springer, Sweasey, Tallmadge, and Warmcastle—24.

NAYS.

Messrs. Anderson, Ashley, Bostwick, Bradford, Burton, Carr, Davidson, Gordon, Henry, Herbert, Horr, Houghtaling, Hubbard, Hunt, Hunter, Letcher, Lindsey, Myres, McBrayer, McDuffie, McDaniel, McKinney, Noel, J. W. Park, Ring, Rowan, Stowe, Tivy, Van Cleft, Whitman, and Mr. Speaker—31.

So the House refused to indefinitely postpone the bill.

Mr. Whitman gave notice that on to-morrow he would move to reconsider the vote just taken.

On motion of Mr. Conness, the bill was referred to Mr. Myres.

Mr. Myres made the following report :

The Select Committee to whom was referred Senate Substitute Bill No. 154, for Assembly Bill No. 98, entitled "An Act to authorize the Governor of this State to convey certain property in the city and county of San Francisco to the United States for certain purposes," having considered the same, herewith report it to the House, and recommend its passage.

Senate Bill No. 154, above reported,

Mr. Storr moved to amend by striking out the words "good and sufficient," in third line of first section, and insert in lieu thereof the words "quit claim."

Mr. Myres moved the previous question, which was sustained, and the amendment of Mr. Stowe lost.

The bill was then read a third time and passed.

Mr. Conness made the following report :

The Committee of Conference of both Houses on the disagreeing vote on Senate amendments to Assembly Bill No. 184, have had the same under consideration, and ask leave to report,

That they recommend the Assembly to non-concur in the first amendment, and to concur in the other amendments to the bill.

TUTTLE,  
WADE,  
McFARLAND,  
Senate Committee.  
CONNES,  
CARR,  
IRWIN,  
House Committee.

Assembly Bill No. 184, above reported to the House,  
The recommendation of the committee concurred in by the House.

On motion of Mr. Myres, the House adjourned until Monday next at 10 o'clock.

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## HOUSE OF ASSEMBLY.

MONDAY, May 1, 1854.

House met pursuant to adjournment.

The roll was called by the Clerk, and the following members were absent :

Messrs. Bagley, Briggs, Carrillo, Clingan, Dawley, Gilbert, Griffith, Henry, Herbert, Hoff, Hollister, Irwin, McDuffie, Nichols, F. A. Park, J. W. Park, Pratt, Rowan, Stemmons, Stevenson, Tivy, Whipple, Whitman, and Mr. Speaker.

The journal of Saturday was read and approved.

On motion, leave of absence was granted to Mr. Whipple for two days, and to Messrs. Rowan, Irwin, Henry, Dawley, and McDuffie for one day each.

Mr. McBrayer introduced a bill to create a Board of Supervisors in and for the county of Sacramento, and to define the duties and powers of said Board,

Which was read first and second time, and referred to the Sacramento delegation.

Mr. Koll introduced a bill for the measurement of goods and merchandise arriving in the port of San Francisco.

Read first time, and 240 copies ordered to be printed.

Mr. Stemmons introduced a bill to authorize Abraham Barnes and Felix Coones to build and construct a road and keep a ferry, in the county of Yolo.

Read first and second time, and referred to Committee on Roads and Highways.

Mr. Hunt, chairman, made the following report :



The Committee on Military Affairs, to whom was referred Senate Bill No. 152, for "An Act to change the name of George Davenport Parmalee to that of George Curtis Currie," have had the same under consideration, report it back, and recommend its passage.

Senate Bill No. 152, above reported, read third time and passed.

Mr. Stemmons, chairman, made the following report :

The Committee on Agriculture, to whom was referred a bill entitled "An Act to prevent Stallions from running at large," have had the same under consideration, and after amending the same so as read after the word "large," in the third line, "except in the counties of San Diego, San Bernardino, Santa Barbara, San Luis Obispo, Los Angeles, Monterey, Napa, Santa Clara, Contra Costa, and Marin," beg leave to report the same back to the House, and recommend its passage.

Assembly Bill No. 304, "An Act to prevent Stallions from running at large, above reported,

On motion of Mr. Ballou, the House resolved itself into Committee of the Whole, Mr. Ballou in the chair, to consider the bill.

After considering the bill, the committee, on motion of Mr. Stemmons, rose, reported the bill back, and asked to be discharged.

The committee was discharged.

Mr. Van Cleft moved to lay the bill on the table.

Not agreed to.

The amendment of the committee to exempt certain counties from the provisions of the Act,

Not concurred in.

The remaining amendments, made in Committee of the Whole,

Concurred in.

Mr. Ashley offered an amendment, as an additional section to the bill, exempting certain counties.

Adopted.

Mr. Hagans moved to strike out "10," in section 5th, and insert "60" in lieu thereof.

Agreed to.

The bill was then considered as engrossed, read third time and passed.

Mr. O'Neil, chairman, made the following report :

The Committee on Engrossment have examined and find correctly engrossed, "An Act to amend an Act providing for securing the State Prison Convicts.

Mr. Ashley moved to print 240 copies of Assembly Bill No. 190, "An Act to establish the State University of California."

Agreed to.

Mr. Spencer, chairman, made the following report :

The Committee on State Hospitals, to whom was referred Assembly Bill No. 290, for "An Act to appropriate money to enable the Trustees of the Insane Asylum to erect an additional Building, and to enclose the Grounds belonging to to the Asylum," have had the same under consideration, and instructed me to report the same back to the House without amendment, with the recommendation that the bill pass.

Assembly Bill No. 290, above reported,

On motion of Mr. Dannels the House resolved itself into Committee of the Whole, Mr. Dannels in the chair.

After spending some time in the consideration of the bill, on motion of Mr. Bradford, the committee rose, reported the bill back and were discharged.

Mr. Ewer moved to strike out "100,000," and insert "80,000."

Mr. Conness called for a division of the question, and upon striking out "100,000."

Messrs. Conness, Ashley and Jones demanded the yeas and nays.

## YEAS.

Messrs. Anderson, Ashley, Bagley, Bennett, Bostwick, Burton, Clingan, Conness, Cornwall, Dannels, Davidson, Ewer, Fairfield, Hagans, Hoyt, Hubert, Hunt, Jones, Letcher, Lindsey, Mandeville, McBrayer, McDonald, McDaniel, McKinney, Noel, F. A. Park, Ring, Springer, Sweasey, and Tallmadge—31.

## NAYS.

Messrs. Bowie, Bradford, Carr, Godard, Gordon, Griffith, Hastings, Herbert, Horr, Houghtaling, Hubbard, James, Kellogg, Musser, Myres, Nichols, O'Neil, J. W. Park, Spencer, Stemmons, Stowe, Sweetland, Tivy, Van Cleft, Warmcastle, Watkins, and Whitman—27.

So the motion to strike out was carried.

The House then adopted the amendment of Mr. Ewer, to insert 80,000 in lieu of the 100,000 just stricken out.

Mr. Conness moved to strike out after the word "advertise" in sixth line, of section second, to and including the word "upon," in seventh line, and insert "in at least one newspaper, published in the cities of Stockton, San Francisco, Sacramento and Marysville."

Agreed to.

Twelve o'clock, the special orders of the day, Assembly bills Nos. 191 and 285.

On motion of Mr. Conness laid on the table.

Assembly bill No. 290 again taken up.

Mr. Conness moved to strike out proviso to section second of the bill.

Agreed to.

Mr. Griffith offered the following amendment, which was adopted :

To strike out all after the word "shall," in third line of third section, and insert, "shall within twenty days after each award, execute a bond to the Trustees of said Asylum, in double the amount of the entire contract so awarded, conditioned for the faithful performance of such contract; and for any failure on the part of the contractors in the performance of such contract, it shall be the duty of the Trustees to cause suit to be instituted on said bonds against the said contractors and their sureties."

Mr. Griffith moved to strike out "ten" and insert "twenty" in fifteenth line of third section.

Agreed to.

The bill was then considered as engrossed, read a third time and passed.

Mr. Hunter made a verbal report from Committee on Agriculture, recommending the passage of Assembly bill No. 313, an Act to amend an Act entitled an Act concerning marks and brands, passed May 1, 1851.

Assembly bill No. 313, above reported, read third time and passed.

Mr. Tivy, chairman, made the following report :

MR. SPEAKER :

The Joint Committee on Enrolled Bills, on Saturday, the 29th of April, presented to his Excellency the Governor for his approval the following Acts, viz :

An Act to create the office of State Printer and define the duties and compensation thereof, and to provide for the time and manner of election.

An Act to declare exempt from forced sale under execution or other process certain property of the several counties of this State.

An Act to adjust the amount of indebtedness of the county of Alameda to the county of Santa Clara, and to provide for the payment of the same.

An Act to amend an Act to establish an Asylum for the Insane of the State of California, approved May 17, 1852.

JOS. A. TIVY.

Mr. McBrayer made the following report from the Sacramento delegation :

The Sacramento delegation, to whom was referred Assembly bill No. 307, entitled an Act to provide offices for certain county officers in the county of Sacramento, have had the same under consideration, and report the same back to the House and recommend its passage.

McBRAYER,  
DAVIDSON,  
PARK.

Assembly bill No. 307, above reported, considered as engrossed, read third time and passed.

Mr. Bowie, from the Select Committee, made the following report :

A majority of the committee to whom was referred an Act to amend an Act dividing the State into counties and establishing the seats of Justice therein, passed April 25, 1851, have made the following amendment, and recommend its passage.

Strike out "four miles above Watson's bridge," and insert "due west of the north point of the Butte mountains."

A. W. BOWIE,  
S. EWER.

Assembly bill No. 179, above reported, the amendment proposed by the committee,

Not concurred in.

On motion of Mr. Fairfax the bill was laid on the table.

Mr. Stemmons, from the San Joaquin delegation, made the following report :

The delegation from San Joaquin county, to whom was referred a bill entitled an Act to prevent the destruction of fish in the waters of Stockton slough and Mormon slough, in San Joaquin county, beg leave to report the same back to the House, and recommend its passage.

Assembly bill No. 312, above reported, considered as engrossed, read third time and passed.

Mr. Godard, chairman, made the following report :

The Select Committee to whom was referred a bill for the better observance of the Sabbath day, beg leave to report a substitute for the same, and recommend its passage.

Assembly bill No. 164, reported by Select Committee, was then amended by striking out all after the enacting clause and inserting the substitute reported by the committee.

Mr. Whitman moved to strike out the second section of the bill.

Agreed to.

Mr. Myres moved to lay the bill on the table.

Not agreed to.

Mr. Bradford moved to consider the bill in Committee of the Whole.

Not agreed to.

Mr. Whitman moved to make it the special order for the 13th day of May, at 12 o'clock.

Not agreed to.

Mr. O'Neil offered an additional section to the bill.

Mr. Conness moved the previous question which was sustained, and the amendment of Mr. O'Neil was lost.

The bill was then considered as engrossed, read a third time, and upon its passage,

Messrs. Stemmons, Springer and McDonald demanded the yeas and nays.

#### YEAS.

Messrs. Anderson, Ballou, Bennett, Bostwick, Bowie, Burton, Clingan, Conness, Davidson, Ewer, Fairfield, Godard, Gordon, Hastings, Hagans, Houghtaling, Hunter, Jones, Letcher, Lindsey, Mandeville, Musser, McBrayer, McDonald, McKinney, Nichols, O'Neil, F. A. Park, Pratt, Spencer, Springer, Stemmons, Stevenson, Stowe, Tallmadge and Watkins—36.

#### NAYS.

Messrs. Bagley, Cornwall, Herbert, Horr, Hubert, Hunt, Kellogg, Koll, Myres, McDuffie, Noel, J. W. Park, Ring, Sweasey and Whitman—15.

So the bill passed.

Mr. Conness moved to reconsider the vote just taken.

Mr. Nichols moved to lay the motion to reconsider on the table.

Agreed to.

The following message was received from the Governor :

I have this day approved an Act, which originated in the Assembly, entitled an Act to provide for the payment of certain expenses.

JOHN BIGLER.

On motion of Mr. O'Neil, Assembly bill No. 179, before laid on table, was taken up, and, on motion of Mr. Ewer, the vote by which the amendment of the committee was lost, was reconsidered.

The amendment was then lost, and the bill considered as engrossed, read a third time and passed.



Mr. McKinney gave notice that he would at some future day introduce a bill to incorporate the Ladies' Orphan Asylum, in the city of San Francisco—also, to create a mode and legalize marriage by telegraphic communications—also, to empower the Governor to appoint a board of expert barbers and boot-blacks for this State—and a bill to authorize Adolphus Theodore Wagner to construct Psychographs or apparatus to indicate persons thoughts by the agency of nervous electricity.

Mr. Spencer gave notice that at an early day he would introduce a bill for an Act granting to the proprietors of saw mills upon Humboldt Bay, the occupancy of the water front, before said mills, for a term of years.

Mr. Kellogg gave notice that on to-morrow, or some future day thereafter, he would introduce a bill to prevent Coolies laboring in this State, and their migration hither.

Mr. Ballou gave notice that on to-morrow, or an early day thereafter, he would introduce a bill to amend the law concerning lotteries, to more effectually prevent raffling.

Mr. Ashley gave notice that at an early day he would introduce a bill to abolish the Board of Supervisors in and for the county of Monterey.

Mr. Herbert gave notice that on to-morrow he would introduce a bill to fund the debt of Mariposa county.

Mr. Clingan gave notice, that on to-morrow he would introduce a bill amendatory of an Act concerning wrecks and wrecked property.

Mr. Tivy gave notice, that on to-morrow he would introduce a bill or an Act relative to the State Map.

On motion of Mr. Warmcastle, Assembly bill No. 279, "An Act to fix the times for holding the terms of the District Court throughout this State," was taken up for consideration.

The bill was amended, considered as engrossed, read a third time, and passed.

Mr. Bostwick gave notice, that on to-morrow he would move to change the first rule of the House, so as to provide for two sessions per day.

On motion of Mr. F. A. Park, Assembly bill No. 189, "An Act to amend an Act entitled an Act to incorporate the city of Sacramento," passed March 26, 1851, was taken from the table and recommitted to the Sacramento delegation.

On motion of Mr. Sweetland, Assembly bill No. 48, "An Act in relation to an Act defining the time of commencing civil actions in certain cases," approved May 4th, 1852, was taken from the table and referred to the Judiciary Committee.

On motion of Mr. Warmcastle, Assembly bill No. 53, "An Act to regulate fees in office," was taken from the table, and made the special order for Thursday next, at 11 o'clock.

Assembly bill No. 299, "An Act to authorize Frederick D. Kohler and Thomas H. Dowling to hold and occupy certain lands in the Bay of San Francisco," read second time and referred to Committee on Commerce.

Assembly bill No. 310, "An Act for the relief of Capt. Harry Love," read second time, and referred to Committee on Military Affairs.

Senate bill No. 150, "An Act to fix the place of residence of certain State Officers," read second time, and referred to Judiciary Committee.

Mr. Tivy, chairman, made the following report :

The Joint Committee on Enrolled Bills have examined and find correctly enrolled the following Acts, viz :

An Act amendatory of and supplementary to an Act entitled an Act concerning the office of Reporter, passed April 29, 1850.

An Act giving power to the Court of Sessions of Sacramento county to cancel certain delinquent taxes, assessed for the year 1852.

An Act to authorize the Court of Sessions of the County of San Joaquin to levy and collect a special tax for the support and maintenance of the indigent sick of said county.

An Act to amend an Act entitled an Act to authorize the formation of limited partnerships.

An Act to authorize the Governor of this State to convey certain property in the city and county of San Francisco, to the United States, for certain purposes.

An Act amendatory of an Act entitled an Act to create the county of Stanislaus, approved April 1, 1854. Also,

An Act supplementary to, and explanatory of, an Act entitled an Act making appropriations for the civil expenses of the Government of the State for the unexpired portion of the fiscal year ending on the 30th day of June, A. D., 1854, and for the first seven months of the fiscal year commencing on the 1st day of July, 1854; and,

An Act amendatory to the Act incorporating the city of Marysville, and to all Acts supplementary and amendatory to the same.

JOS. A. TIVY,

Chairman Committee on Enrollment.

Mr. Letcher, with leave of the House, introduced a bill, An Act to incorporate a State Agricultural Society.

Read first and second times and referred to Committee on Agriculture.

Assembly bill No. 191, an Act to prevent the absence of judicial and other officers from this State, on motion was taken from the table, considered in Committee of the Whole, (Mr. Bostwick in the chair,) amended, reported back, and the committee discharged.

Mr. Hunter moved a call of the House.

Not agreed to.

On motion of Mr. O'Neil, the House concurred generally in the amendments made in Committee of the Whole.

The bill was then considered as engrossed, read third time and passed.

On motion, Assembly bill No. 285, an Act supplementary to an Act to provide for the lien of mechanics and others, passed April 12, 1850, was taken from the table, considered as engrossed, read third time and passed.

Mr. Lindsey gave notice that on to-morrow he would move to reconsider the vote which passed Assembly bill No. 179.

On motion of Mr. Van Cleft the House adjourned until 10 o'clock to-morrow.

## HOUSE OF ASSEMBLY.

TUESDAY, May 2, 1854

House met pursuant to adjournment.

The roll was called and the following members were absent :

Messrs. Bagley, Briggs, Carrillo, Ewer, Gilbert, Griffith, Hoff, Hubert, Irwin, McDuffie and Rowan.

The Journal of Monday was read and approved.

On motion leave of absence was granted to Mr. Fairfax for one day, and to Mr. Carrillo for two days.

Mr. Herbert moved to strike from the journal of Saturday last a portion of the notice given by Mr. McKinney of the introduction of bills.

Not agreed to.

Mr. McDaniel presented a petition numerously signed by citizens of Calaveras in reference to the law of crimes and punishments.

Petition read and referred to the Committee on Mines and Mining Interests.

Mr. Ashby presented a petition numerously signed by citizens of Monterey in reference to the Board of Supervisors of said county.

Petition read.

Mr. Bradford introduced a bill for an Act to fix the place of holding the sessions of the Supreme Court.

Read first and second time and referred to Judiciary Committee.

Mr. Kellogg introduced a bill for an Act to protect mining interests, and to prevent excessive emigration from Asia to the State of California.

Read first time, and ordered a second reading on to-morrow.

Mr. Bagley introduced a bill for an Act to create the office of Fire Coroner for the city of San Francisco.

Read first and second time, and referred to the delegation from San Francisco.

Mr. Bradford presented a petition from Gen. Winn in reference to claims against the State.

Petition referred to Committee on Accounts.

Mr. Gordon, from the Judiciary Committee made the following report :

The Judiciary Committee have had under consideration, Assembly bill No. 302, entitled an Act to amend an Act concerning the Courts of Justice of this State, and judicial officers, passed May 19, 1853, and recommend its passage.

Assembly bill No. 302, above reported, was amended, considered as engrossed, read a third time, and passed.

Mr. Letcher made the following report :

MR. SPEAKER :

The Committee on Agriculture, to whom was referred a bill to "Incorporate a State Agricultural Society, have had the same under consideration, and beg leave to report :

Your committee, appreciating the vast importance of the subject, would be wanting in the discharge of a high and imperious duty to the State and the people, were it to permit the occasion to pass without making use of it to commend the subject to the earnest and favorable consideration of the House.

This is not merely a bill to create an incorporated society whose influence only affects those immediately interested, and has no bearing upon the State, or upon the great masses of the people, but it is a bill, the provisions of which will act upon every interest, affect all classes of our citizens, and touch with electric power every branch of industry throughout the entire State.

Four years ago the agricultural resources of this State were comparatively unknown. Prior to that time so little attention had been given to the subject, that much of the soil which experience has demonstrated to be highly productive, was deemed almost valueless. A crude and miserable process of agriculture had induced the impression that but a limited portion of our soil would justify cultivation without irrigation, and consequently, immense tracts of our highlands and mountain slopes were regarded as fit only for pastoral purposes. This error has given way before the speeding plough, and it is now found that the cultivation of those lands in grain will yield as rich returns as the cultivation of the valley lands, and instead of the agricultural resources of the country being circumscribed and confined to a few valleys, limited in extent, and requiring irrigation, highland and mountain side are found to be equally productive and valuable.

It is a pleasant and a cheering picture, to see hundreds of pleasant homes and wide-spreading fields, laden with rich abundant harvests, on lands which but a few years ago were deemed almost unfit for cultivation. Thus has the experience of a very brief period of time demonstrated the great fact that the agricultural resources of California are vast and almost incalculable—not only capable of abundantly supplying the millions destined to inhabit the Pacific empire now springing up with magic rapidity, with all of the necessities and luxuries grown in the most favored regions of the world, but of producing a large surplus for external commerce.

It is conceded that agriculture is the basis of the wealth and prosperity of all civilization, and that the condition of agriculture in a country furnishes a true and unerring index of its moral, mental, and scientific progress. It is indeed impossible, in the nature of things, for a people, or a nation, to obtain any degree of eminence without pursuing an enlightened system of agriculture. Advanced agriculture and its kindred branches of horticulture and floriculture, are pursuits peculiar to civilized life. The barbarian never plants a tree nor flower; his coarser tastes have no appreciation of the value and magnificence of the one, nor of the beauty of the other. These pursuits are congenial alone to the cultivated man, constitute the foundation upon which the social system rests, and binds the citizen to his country by the strongest of all ties. Give men land to own, to cultivate, let them adorn and surround their homes with the comforts and the various forms of beauty which result from advanced and scientific agriculture, and you build up in the country fortresses more impregnable than can be devised in any other way.

Then to protect, to foster and encourage, by every legitimate means this vast department of industry, appears to your committee, to be one of the first and most imperative duties of the Legislature of this State. California, in its relations to agriculture is a peculiarly interesting country. We are now in our infancy, we have the lights of experience to guide us, we are cognizant the fatal errors other States, and other people have committed, we see and know how to avoid those errors. Then, let us, while we have a virgin soil, unparalleled in variety and richness of production, at once introduce a system of Agriculture which will secure to us, and to the State, the highest degree of prosperity for the time being, and enable us to transmit, unimpaired by our negligence or folly, the great advantages which we now enjoy, to those who will succeed us. Let us establish a system which experi-



ence has demonstrated to be productive of the most beneficent results in other States, and lay now, the sure and enduring foundations of future prosperity and greatness.

It is believed by those well informed on the subject, that the immense sum of twenty-five millions of dollars is annually employed in the import provision trade of California. Is it not important to arrest this vast drain upon the country? We have also reliable information that within the past year there has been imported more than half a million barrels of flour, making from five to ten millions of dollars for this single article. The latter sum will now and hereafter in all probability be retained in the country, as the home production will fully supply the home demand.

Now in view of the general importance of the subject, other States are moving in the matter, and stretching forth the hand of encouragement and protection. Why should not California do so likewise? A much greater necessity exists here than in other States. At present our staples consist of a very limited variety, and of these a surplus will soon be produced, hence the vast importance, the overruling necessity of encouraging the cultivation of new products; and before the extensive cultivation of new products can be with prudence engaged in, experiments must demonstrate the adaptation of our soil and climate to their production. It must be ascertained that such new products can be successfully and profitably cultivated. Your committee believe that the surest and speediest mode of attaining the great ends in view, is the immediate organization of a State Agricultural Society, with liberal appropriations for its support. This appropriation is not asked for merely to support an institution as such, but to enable it to perform duties the accomplishment of which shall give back to the State, the richest returns to build up, make permanent and perpetual the most vital interests of the State, to open these fountains from which issue streams that will refresh forever the hills and vallies of this "bright land." This interest is receiving liberal encouragement in other States, and California now presents features in agriculture, that shall, if properly regarded, be as momentous as any the world ever saw. Our vast tule lands can be reclaimed, and fields of rice, cotton, and tobacco can be made to flourish and add their untold value to the wealth of our people and State. Tea, coffee and sugar will also be numbered among the rich products of California, if that wise care so much needed, be given to nourish the germ which is now in embryo.

The opening of China and Japan reveals sources of wealth in the forms of new and varied productions of the Celestial world; and shall California avail itself of there offering that progress holds out to us?

The sheep and the goat can feed upon our thousand hills, yielding their fleeces for our manufactories. Our sunny slopes will be adorned by fruitful vineyards and beautified by groves of the mulberry, affording food for the worm that shall clothe our people with the costly silks that now draw our treasures to other nations. The people, too, of the Celestial Kingdom will bring their knowledge, both of agriculture—of which they possess vast stores—and of the manufacturing of those costly fabrics, adding all these to our own sources of wealth.

To accomplish these great objects a stimulus must be given, the State must extend the hand of encouragement and protection. We, therefore, recommend the establishment of a State Board of Agriculture, and the passage of the bill referred to as providing for the Incorporation of a State Agricultural Society, with liberal appropriations in land and money for its support.

All of which is respectfully submitted by order of the committee.

W. S. LETCHER.

Assembly bill No. 315, above reported. On motion of Mr. Letcher, the House resolved into Committee of the Whole, Mr. Burton in the chair, to consider the

bill. After spending some time in its consideration, and amending the same, the committee rose, reported the bill back as amended and asked to be discharged from its further consideration.

The committee was discharged.

The amendments made in Committee of the Whole concurred in generally by the House.

The bill was considered as engrossed, read a third time and passed.

Mr. Dannels moved to print 480 copies of the report made by Mr. Letcher upon the subject of Agriculture.

Agreed to.

Mr. Myres made the following report from a Committee of Conference :

The Committee on Conference, to which was referred the disagreeing vote on Senate bill No. 116, entitled an Act supplementary to an Act to exempt firemen from militia service and jury duty, report it back with the agreement that the Assembly will recede from its amendment.

B. F. MYRES, Chairman.

J. N. DAWLEY,

House Committee.

JAS. W. COFFROTH, Chairman.

E. D. SAWYER,

E. J. MOORE,

Senate Committee.

Above report adopted by the House.

Mr. Myres made the following unanimous report :

The Committee of Conference of Senate and Assembly, to whom was referred, on the disagreeing vote of the two Houses, Senate bill No. 55, for an Act entitled "An Act relative to transferring actions and proceedings from one Court to another Court," have had the same under consideration so far as respects the disagreeing vote of the two Houses, beg leave to report the same back, with a substitute for section 5, and recommend its adoption. Respectfully submitted.

On transferring causes, the following : and no other fees and costs shall be allowed to the Clerks of the Court ;

For transmitting the pleadings and papers of a cause, the sum of two dollars ;

For re-entering and filing the same pleadings and papers anew, three dollars ;

For certifying and remitting a transcript and judgment, when required to be done under this Act, five dollars ;

For docketing and recording a transcript and judgment, when required to be done under this Act, five dollars.

The last two items may be taxed in favor of the successful party, and made a part of the judgment against the other party, or otherwise ordered paid, as the Court hearing the action or proceeding may, by its order or judgment, direct.

The above report adopted by the House.

The following report was made by the Delegation of Calaveras :

The Delegation from Calaveras, to whom was referred Senate bill No. 149, "An Act granting to the Electors of Calaveras county the privilege to vote for or against

a division of said county, and organize the county of Washington." have had the same under consideration, and a majority of said delegation propose several amendments thereto, report the same back to the House, recommend the adoption of the proposed amendments and the passage of the bill.

C. A. McDANIEL,  
M. W. GORDON,  
A. J. HOUGHTALING,  
M. ROWAN.

Senate bill No. 149, above reported, on motion of Mr Houghtaling, was laid upon the table.

On motion, one day's leave of absence was granted to Mr. Rowan.

The hour of 12 o'clock arriving, the special order, which was Assembly bills Nos. 272 and 227, upon the subject of the city water front of San Francisco, was taken up for consideration.

On motion of Mr. O'Neil, the House resolved itself into Committee of the Whole, to consider the bills.

After spending some time in the consideration of the same, a substitute for the whole subject was offered, and,

On motion of Mr. Hubert, the Committee rose, reported progress, and asked leave to sit again.

Leave was granted to sit again.

On motion of Mr. French, the substitute and bills were made the special order for Friday next, in Committee of the Whole, at 11 o'clock, and 240 copies ordered to be printed.

On motion of Mr. Conness, the Clerk was instructed to ascertain and report to this House why Assembly bill No. 399 has not been printed, according to the order heretofore made by the House.

Special order fixed for this day, Assembly bill No. 44, to repeal the Act creating the office of Lumber Measure in San Francisco county, taken up for consideration.

Mr. Dawley moved to lay the bill on the table.

Not agreed to.

Mr. McBrayer moved to indefinitely postpone the bill, and

Messrs. Myers, Burton, and Stowe, demanded the yeas and nays.

Previous to the vote, Mr. Conness demanded the previous question.

The previous question was sustained.

#### YEAS

Messrs. Dannels, French, Griffith, Hubbard, Nichols, Pratt, Ring, Van Cleft, and Mr. Speaker—9.

#### NAYS

Messrs. Anderson, Ashley, Ballou, Bennett, Bestwick, Bowie, Bradford, Burton, Carr, Clingan, Conness, Cornwall, Davidson, Dawley, Ewer, Fairfield, Goddard, Green, Hagan, Hastings, Henry, Herbert, H. Miller, Houghtaling, Hoyt, Hubert, Hunter, James, Kell, Letcher, Lindsey, Manbeck, Myers, McBrayer, McDonald, McDuffie, McDaniel, McGee, Neal, O'Neil, F. A. Park, Purdy, Spencer, Springer, Stearns, Stowe, Sweasey, Sweetland, Tallmadge, Tivy, Wormeastele, Watkins and Whitman.—52

So the House refused to indefinitely postpone the bill.

The bill was read a third time.



Mr. Van Cleft moved to make the bill the special order for Monday next at 12 o'clock.

Mr. Conness demanded the previous question.

The previous question was sustained.

The vote was then taken, and the House refused to make the bill the special order.

The bill was then read a third time and upon its passage Messrs. Mandeville, Carr, and Lindsey demanded the yeas and nays.

## YEAS.

Messrs. Anderson, Ashley, Ballou, Bennett, Bostwick, Bowie, Bradford, Burton, Carr, Clingan, Conness, Cornwall, Davidson, Ewer, Fairfield, Godard, Gordon, Haggans, Hastings, Henry, Hollister, Horr, Houghtaling, Hoyt, Hubert, James, Jones, Koll, Letcher, Lindsey, Mandeville, Musser, Myers, McDonald, McGee, Noel, O'Neil, F. A. Park, Spencer, Springer, Stemmons, Stowe, Sweasey, Sweetland, Tallmadge, Tivy, Van Cleft, Warmcastle, Watkins, and Whitman—50.

## NAYS.

Messrs. Dannels, Dawley, Gilbert, Green, Griffith, Hubbard, Kellogg, McBrayer, McDuffie, Nichols, J. W. Park, Pratt, Purdy, Ring and Mr. Speaker—15.

So the bill passed.

Mr. Van Cleft gave notice that on to-morrow he would move to reconsider the vote just taken.

Mr. Griffith made the following report :

The Committee on Roads and Highways to whom was referred a petition from the inhabitants of San Leandro, Alameda county, praying for the passage of an Act granting to John B. Ward the right to construct a plank road and wharf into the Bay of San Leandro, report the same back, with a bill granting the same, and recommend the passage of the bill.

An Act to authorize the construction of a wharf from the Bay of San Leandro at the mouth of San Leandro Creek in the county of Alameda.

Read first and second time and referred to Committee of Ways and Means.

Mr. Bostwick, chairman, made the following report :

The Committee on Corporations, to which was referred Assembly bill No. 301, to amend an Act to authorize the formation of corporations for the construction of Plank or Turnpike Roads, passed May 12, 1853.

Also, Assembly bill No. 308, an Act to change the name of the Sutter, Jackson and Drytown Water and Mining Company to that of the Jackson Water Company.

Also, Assembly bill No. 295, an Act to amend chapter eight of an Act concerning corporations.

Report the same back to the House and recommend their passage.

Assembly bill No. 301, above reported, considered as engrossed, read a third time and passed.

Assembly bill No. 308, above reported, considered as engrossed, read a third time and passed.

Assembly bill No. 295, also reported by Mr. Bostwick, with a substitute. The



substitute was adopted, considered as engrossed, read a third time and passed.

Mr. Conness moved to reconsider the vote which passed a third reading of Assembly bill No. 301, reported by the Committee on Corporations.

Agreed to.

The bill, on motion of Mr. Myres, was amended, read a third time and passed.

Mr. McBrayer moved to take up for consideration the message from the Senate.

Agreed to.

The following message was received from the Senate.

I am instructed to inform the Assembly that the Senate passed, on the 28th, a bill for "An Act to create a Contingent Fund to pay the Postage of the Members of the Legislature of the year 1854," and on the 29th, Assembly bill for "An Act to provide for the Erection of a Jail in the county of Monterey," and a concurrent resolution that the Senate Committee on Corporations and the Select Committee of the Assembly to whom was referred a bill concerning the Pacific Railroad, act jointly.

All of which is respectfully submitted.

JOHN Y. LIND,  
Secretary.

Senate Bill No. 169, "An Act to create a Contingent Fund to pay the Postage of the Members of the Legislature of the year 1854,"

Read first and second time, and referred to Committee on Public Expenditures and Accounts.

Senate concurrent resolutions in reference to railroads and internal improvements,

Concurred in by the House.

A communication was read from the Board of Indian War Commissioners, asking for a clerk.

Communication read and referred to Committee on Claims.

The following message was received from the Governor :

I have this day approved the following Acts, which originated in the Assembly, viz :

"An Act to create the office of State Printer, and define the duties and compensation thereof, and to provide for the time and manner of election."

"An Act to amend an Act to establish an Asylum for the Insane of the State of California."

An Act to declare Exempt from Forced Sale under Execution or other process, Property of the several Counties of this State."

And "An Act to adjust the Amount of Indebtedness of the county of Alameda to the county of Santa Clara, and to provide for the payment of the same."

JOHN BIGLER.

Mr. Myres offered a concurrent resolution to meet in joint convention for the purpose of electing a State Printer.

Mr. Herbert moved to strike out "the 4th," and insert "the 6th"

Not agreed to.

Mr. Whitman gave notice that on to-morrow he would move to reconsider the vote just taken.

The Speaker decided the motion out of order, inasmuch as the question had been decided previous to the notice to reconsider,

From which decision Mr. Carr appealed.

The decision of the Chair was sustained.

Mr. James moved to strike out "Thursday," and insert "Friday."

Not agreed to.

On the passage of the resolution, Messrs. Whitman, James, and Stevenson, demanded the yeas and nays.

## YEAS.

Messrs. Ashley, Burton, Conness, Dannels, Davidson, Fairfield, French, Gilbert, Godard, Green, Griffith, Hollister, Horr, Hubbard, Hubert, Hunt, Jones, Kellogg, Koll, Letcher, Lindsey, Myres, McBrayer, McDonald, McKinney, O'Neil, F. A. Park, J. W. Park, Pratt, Purdy, Ring, Spencer, Springer, Stemmons, Stowe, Sweasey, Sweetland, Tallmadge, Van Cleft, and Mr. Speaker—40.

## NAYS.

Messrs. Anderson, Bennett, Bowie, Bradford, Carr, Ewer, Hastings, Herbert, Houghtaling, Hunter, James, McDuffie, McGee, Stevenson, Watkins, and Whitman—16.

So the resolution passed.

Mr. Myres moved that the Clerk be instructed to report the resolution to the Senate forthwith.

Agreed to.

Mr. Herbert moved that the Clerk be instructed to report all business transacted to-day in this House to the Senate immediately, and

Messrs. Whitman, McKinney, and McDuffie, demanded the yeas and nays.

## YEAS.

Messrs. Bowie, Carr, Cornwall, Davidson, Gordon, Hagans, Herbert, Hunter, James, McDuffie, McGee, McKinney, Stevenson, Watkins, and Whitman—15.

## NAYS.

Messrs. Anderson, Ashley, Bennett, Bradford, Burton, Conness, Dannels, Dawley, Ewer, Fairfield, Gilbert, Godard, Green, Griffith, Hollister, Horr, Hubbard, Hubert, Hunt, Irwin, Jones, Kellogg, Koll, Letcher, Lindsey, Musser, Myres, McBrayer, McDonald, O'Neil, F. A. Park, J. W. Park, Pratt, Purdy, Ring, Spencer, Springer, Stemmons, Stowe, Sweasey, Sweetland, Tallmadge, Van Cleft, and Mr. Speaker—44.

So the House refused to instruct the Clerk.

Mr. Rowan moved to adjourn.

Not agreed to.

A communication was read from State Printers, in answer to a communication from the Clerk in reference to some printing ordered by the Assembly.

Mr. Lindsey, agreeable to notice, moved to reconsider the vote which passed Assembly bill No. 179.

Vote reconsidered.

Mr. Ewer moved to reconsider the third reading of the bill.

Agreed to.

On motion of Mr. Ewer, the bill was amended, considered as engrossed, read a third time, and passed.

Mr. Myres offered a concurrent resolution respecting the Maps of the State furnished by the late Surveyor General of this State.

Resolution adopted.

Agreeable to notice, Mr. Bostwick moved to amend the 1st Standing Rule of this House, by requiring two sessions in one day; to convene at half past 9, A. M., take a recess at half past 12 o'clock, and meet again at 2 o'clock, P. M.

Mr. Whitman moved to amend the resolution by striking out half past 9, and inserting half past 7.

Not agreed to.

Pending the discussion of the amendment to the Rules offered by Mr. Bostwick,

On motion of Mr. Lindsey, the House adjourned until 10 o'clock, to-morrow.

## HOUSE OF ASSEMBLY.

WEDNESDAY, May 3, 1854.

House met pursuant to adjournment.

The roll was called and the following members were absent :

Messrs. Ballou, Bostwick, Briggs, Cornwall, French, Gilbert, Griffith, Hoff, Houghtaling, Hubert, Irwin, James, Jones, Musser, McDuffie, McKinney, Nichols, Rowan, Van Cleft and Whipple.

The Journal of Tuesday was read amended and approved.

On motion leave of absence was granted to Mr. Whipple for one day, to Mr. Houghtaling for two days, and to Mr. Rowan indefinite leave in consequence of sickness.

Mr. Bowie introduced a bill for an Act to authorize the Court of Sessions of the county of Colusi to levy a special tax to build a Court House and Jail.

Read first and second time, considered as engrossed; read a third time and passed.

Mr. Dannels introduced a joint resolution in relation to the emigration of Coolies, and others who are not competent to become citizens of the United States, into this State.

Read a first time and ordered to a second reading on to-morrow.

Mr. O'Neil, chairman, made the following report :

The Committee on engrossment have examined and find correctly engrossed,  
An Act to prevent stallions from running at large.

An Act to fix the times for holding the Terms of the District Courts, throughout the State.

An Act to prevent the absence of Judicial and other officers from this State.

An Act to amend an Act entitled an Act concerning Marks and Brands, passed May 1, 1851.

An Act to provide offices for certain County Officers, in the county of Sacramento.

An Act supplementary to an Act to provide for the lien of Mechanics and others, passed April 12, 1850.

An Act to prevent the destruction of Fish in the waters of Stockton slough and Mormon slough, in San Joaquin county, and, also,

An Act to provide for the better observance of the Sabbath.

An Act concerning Estray Animals, also,

An Act to appropriate money to enable the Trustees of the Insane Asylum to erect an additional building, and to enclose the grounds belonging to the Asylum.

Mr. Herbert, chairman, made the following report :

The Committee of Ways and Means, to whom was referred a communication from Hon. P. K. Hubbs, Superintendent of Public Instruction, have had the same under consideration and ask leave to report the same back to the House, and recommend that it be referred to the Committee on Education.

They have also had under consideration Assembly bill No. 236 entitled an Act to authorize the State Treasurer to issue a duplicate warrant to John Skinker and ask leave to report the same back with a substitute, and recommend the passage of the same.

The communication from the Superintendent of Public Instruction, on motion, was referred to the Committee on Education.

Substitute to Assembly bill No. 236, reported by the above committee, was adopted, considered as engrossed, read a third time and passed.

Mr. Dannels, chairman, made the following report :

The Committee on Indian Affairs have had under consideration petitions of Messrs. Dent, Vantine & Co., with accompanying papers; also, petition of G. W. Keeler and L. G. Chapman, with accompanying papers, in relation to their claims and the claims of other citizens of this State against the United States, by reason of the action of the U. S. Indian Commissioners, O. M. Wozencraft, Redick McKee and Adam Johnson, in making reservations of lands, and for furnishing provisions, &c., to the Indians of this State by order of said Commissioners, with Senate Joint Resolutions. Your committee believe in the justice of these claims and that they should be paid, and have directed me to report back the accompanying Joint Resolutions as a substitute to the Senate Resolutions, and recommend their passage.

The substitute offered by the committee was adopted, read a third time and passed.

Mr. Bradford introduced a bill for an Act for the relief of John F. Hays.

Read first time and ordered to a second reading to-morrow.

Mr. Stevenson made the following report :

The Committee of Public Buildings and Grounds to whom was referred Assembly bill No. 251, report it back without amendment and submit it to the consideration of the House.

Assembly bill No. 251, an Act to fix the capital of the State above reported.

On motion the bill was made the special order for Friday next at 12 o'clock.



Mr. Watkins, chairman, made the following report :

The Committee on Federal Relations, to whom was referred the Senate Joint Resolutions in relation to the Nebraska Bill, introduced into the Senate of the United States on the 23d of January, 1854, have had the same under consideration, and have instructed me to report them back without amendment, and recommend their passage.

The Committee have also had under consideration the concurrent resolution and joint memorial of the Senate and Assembly in relation to postage in California, and instructed me to report them back without amendment, and recommend their passage.

Senate joint resolutions in relation to the Nebraska Bill on its third reading.

Mr. Myres demanded the previous question.

The previous question was sustained.

The resolutions were read a third time, and upon their passage, Messrs. Mandeville, Hoyt and Hubbard, demanded the yeas and nays.

#### YEAS.

Messrs. Anderson, Ashley, Bostwick, Bowie, Bradford, Burton, Carr, Clingan, Cornwall, Davidson, Dawley, Ewer, French, Gilbert, Godard, Gordon Green, Griffith, Hagan, Hastings, Henry, Herbert, Hoff, Hollister, Horr, Hubbard, Hubert, Hunt, Hunter, James, Koll, Letcher, Lindsey, Mandeville, Myres, McBrayer, McDonald, McDaniel, McGee, McKinney, Nichols, Noel, O'Neil, F. A. Park, J. W. Park, Pratt, Purdy, Spencer, Stemmons, Stevenson, Stowe, Sweetland, Tivy, Van Cleft, Warmcastle, Watkins, Whitman, and Mr. Speaker—58.

#### NAYS.

Messrs. Bennett, Conness, Dannels, Fairfield, Hoyt, Kellogg, Ring, Springer, Sweasey, and Tallmadge—10.

So the resolution was adopted.

Senate concurrent resolutions No. 38 in relation to mail routs and post offices on its third reading.

Bill read third time and did not pass.

Mr. Dawley, chairman, made the following report :

The Committee on Commerce had under consideration Assembly bill No. 267, entitled an Act to prevent changing the names of ships, vessels and steamboats, and beg leave to report the same back without amendment, and recommend its passage.

The bill was amended, read a third time and passed.

Mr. Tivy, chairman, made the following report :

The Joint Committee on enrolled bills, on yesterday the 2d inst., presented to his Excellency, the Governor, for his approval, the following Acts, viz :

An Act amendatory of and supplementary to an Act entitled an Act concerning the office of Reporter, passed April 29, 1850.

An Act giving power to the Court of Sessions of Sacramento county, to cancel certain delinquent taxes, assessed for the year 1852.

An Act to authorize the Court of Sessions of the county of San Joaquin to levy and collect a special tax, for the support and maintainance of the indigent sick of said county.

An Act to amend an Act entitled an Act to authorize the formation of limited partnerships.

An Act to authorize the Governor of this State to convey certain property in the city and county of San Francisco, to the United States, for certain purposes.

An Act amendatory of an Act entitled an Act to create the county of Stanislaus, approved April 1, 1854.

An Act supplementary to and explanatory of an Act entitled an Act making appropriations for the civil expenses of the Government of the State for the unexpired portion of the fiscal year ending on the 30th day of June, A. D., 1854, and for the first seven months of the fiscal year commencing on the 1st day of July, 1854, and,

An Act amendatory to the Act incorporating the city of Marysville, and to all Acts supplementary and amendatory to the same.

JOS A. TIVY,

Chairman Committee on Enrollment.

Mr. Jones, chairman of Select Committee upon the subject of Railroads, made a report from said committee.

Report and bills passed over without any action.

The following message was received from the Senate :

I am directed to inform the Assembly that the Senate passed this day a resolution for the Committees on Mines and Mining Interests to act jointly as therein stated.

JOHN Y. LIND, Secretary.

Senate Concurrent Resolution above reported,  
Concurred in by the Assembly.

The following message was also received from the Senate :

I am instructed to inform the Assembly that the Senate yesterday concurred in the resolution of the Assembly to meet in Joint Convention in the Hall of the Assembly, on the 4th inst., at 12 o'clock, M., to elect a State Printer.

They also passed Assembly Bill No. 244, for "An Act to give Jurisdiction to the District Court, County Court, and Justices' Courts, in Plumas county, in certain cases,"

And the following Senate bills :

For "An Act to amend an Act entitled An Act to provide for the Protection of foreigners, and to define their Liabilities and Privileges."

And "An Act to authorize the Mayor and Common Council of the city of Sacramento to levy and collect a Special Tax for the Redemption of the Bonds of said city."

All of which are herewith respectfully presented.

JOHN Y. LIND,  
Secretary.

Senate Bill No. 123, an Act in reference to foreigners, above reported,  
Read first and second time and referred to Committee on Mines and Mining Interests.

Senate Bill No. 146, in relation to the Mayor and Common Council of the city of Sacramento, above reported,

Read first and second time, the rules further suspended,

The bill read a third time and passed.

The following message was received from the Senate :

I am instructed to inform the Assembly that the Senate passed, on the 28th inst. the following :

A bill for "An Act to regulate the payment by the State Treasurer of the Warrants of the Comptroller of this State."

"An Act to authorize Isaac E. Davis and A. P. Jordan to construct a Wharf, at Santa Cruz, into the Bay of Monterey."

"An Act amendatory of an Act to amend An Act relating to Corporations."

And on the 29th inst., "An Act for the Relief of Carlos Isarda."

All of which are respectfully submitted.

JOHN Y. LIND.  
Secretary.

Senate Bill No. 147, in relation to the payment of Comptroller's warrants,

Read first time, and ordered to a second reading on to-morrow.

Senate Bill No 131, an Act in relation to the erection of a wharf,

Read first and second time, and referred to Committee on Commerce.

Senate Bill No. 177, relating to corporations,

Read first and second time, and referred to Committee on Corporations.

Senate Bill No. 172, for the relief of Carlos Isarda,

Read first and second time.

The bill, on motion of Mr. Tallmadge, was amended,

Read a third time and passed.

Mr. Fairfield introduced a bill for an Act for a special term of the District Court in the county of Placer.

Read first and second time, the rules suspended,

The bill read a third time and passed.

Mr. James introduced a bill for an Act to authorize the Comptroller of State to issue a duplicate warrant to S. W. Langton.

Read first time and ordered to a second reading to-morrow.

The hour of 12 o'clock having arrived the special order was taken up, Assembly bill No. 253, an Act to provide for the reclamation of the swamp and overflowed lands belonging to the State of California.

On motion of Mr. Conness, the House resolved itself into Committee of the Whole, Mr. O'Neil in the chair, to consider the bill.

After spending some time in its consideration and amending the same, on motion of Mr. Herbert, the committee rose, and reported the bill back without any motion being made in reference thereto.

The committee was discharged.

Mr. Bradford moved to refer the bill to a select committee of five.

Mr. Sweetland moved to strike out the enacting clause of the bill, and Messrs. Bradford, Hubbard and McDonald demanded the yeas and nays.

Mr. Whitman demanded the previous question.

The previous question was sustained.

The question was then taken upon the vote to strike out the enacting clause.

## YEAS.

Messrs. Anderson, Ballou, Bennett, Burton, Carr, Conness, Dannel, Ewer, Hagans, Hunter, Kellogg, Letcher Lindsey, Mandeville, McDonald, McGee, McKinney, Noel, Stemmons, Stowe, Sweasey, Sweetland, Watkins and Whitman—24.

## NAYS.

Messrs. Ashley, Bagley, Bostwick, Bowie, Bradford, Clingan, Davidson, Fairfield, French, Gilbert, Godard, Gordon, Green, Griffith, Hastings, Henry, Herbert, Hoff, Hollister, Horr, Hoyt, Hubbard, Hubert, Hunt, Jones, Musser, Myres, McBrayer, McDaniel, Nichols, O'Neil, F. A. Park, J. W. Park, Pratt, Purdy, Ring, Spencer, Springer, Stevenson, Tallmadge, Tivy, Van Cleft, Warmcastle, and Mr. Speaker—44.

So the House refused to strike out the enacting clause.

On the motion of Mr. Bradford to refer to a select committee of five, Messrs. Tallmadge, Conness and McDonald demanded the yeas and nays.

## YEAS.

Messrs. Anderson, Ashley, Bagley, Bowie, Bradford, Carr, Clingan, Dannels, Fairfield, French, Gilbert, Godard, Green, Griffith, Hagans, Hastings, Henry, Herbert, Hoff, Hollister, Horr, Hoyt, Hubbard, Hubert, Hunt, Hunter, James, Jones, Musser, McBrayer, McKinney, Nichols, O'Neil, F. A. Park, J. W. Park, Pratt, Ring, Spencer, Springer, Stemmons, Stevenson, Stowe, Tivy, Van Cleft, Warmcastle, Whitman and Mr. Speaker—47.

## NAYS.

Messrs. Ballou, Bennett, Bostwick, Burton, Conness, Davidson, Ewer, Gordon, Kellogg, Letcher, Lindsey, Mandeville, Myres, McDonald, McDaniel, McGee, Noel, Purdy, Sweasey, Sweetland, Tallmadge and Watkins—22.

So the bill was referred to a select committee of five.

And Messrs. Bradford, Hubert, O'Neil, Carr, and French, were appointed said committee.

Mr. Conness moved to instruct the committee to report on Tuesday next, and the bill to be made the special order for 1 o'clock.

Mr. Herbert moved to amend by striking out Tuesday and inserting Friday next.

Agreed to.

Mr. Letcher moved to amend the motion of Mr. Conness by excluding certain lands.

Not agreed to.

Mr. Ashley moved to amend, by excluding lands lying in incorporated cities and towns, and lands lying in any harbor or under any navigable waters in this State.

Not agreed to.

The motion of Mr. Conness was then adopted.

On motion of Mr. Bostwick, Mr. Gordon was added to the select committee just created.

The following message was received from the Senate :



I am instructed to inform the Assembly, that the Senate passed this day, "An Act for the relief of H. S. Jackson and William Buchanan;" which is herewith respectfully presented.

JOHN Y. LIND, Secretary.

Senate bill No. 117, above reported, read first and second time, and referred to Committee on Claims.

The following message was received from the Governor :

I have the honor herewith to transmit a copy of a deed executed by the Mayor of the city of Sacramento, conveying to the State of California the title of said city, of, in, and to a certain piece or parcel of land within the limits of said city, known as the "Public Square;" also, a copy of a deed executed by John A. Sutter, conveying to the Mayor and Common Council of the city of Sacramento all his interest in the above described property.

JOHN BIGLER.

Mr. Conness moved to refer the communications to a select committee of three.

Mr. Bradford moved to refer to the Committee on Public Buildings and Grounds.

Agreed to.

Mr. Whitman moved that the Committee be instructed to communicate with the Attorney General, and obtain from him his written opinion as to the legality of the title of the city of Sacramento to the ground proposed to be conveyed to the State.

Mr. Dawley moved to amend the instructions by adding, "and report to this House on Tuesday next."

Not agreed to.

To motion of Mr. Whitman to instruct the committee was then lost by the following vote :

Messrs. Whitman, McKinney, and Mandeville, demanding the yeas and nays.

#### YEAS.

Messrs. Anderson, Bowie, Bradford, Carr, Cornwall, Dannels, Gordon, Green, Hagans, Hubert, Hunter, James, Jones, Kellogg, Mandeville, McDaniel, McKinney, Noel, Spencer, Stemmons, Stevenson, Stowe, Sweasey, Van Cleft, Warmcastle, Watkins and Whitman—27.

#### NAYS.

Messrs. Ashley, Ballou, Bennett, Bostwick, Burton, Conness, Davidson, Dawley, Ewer, Fairfield, French, Gilbert, Griffith, Herbert, Hollister, Hubbard, Hunt, Lindsey, Musser, Myres, McDonald, O'Neil, F. A. Park, J. W. Park, Ring, Springer, Sweetland, Tallmadge and Tivy—29.

The following message was received from the Governor :

I have this day approved an Act which originated in the Assembly, entitled "an Act supplementary to and explanatory of an Act making appropriations for the civil expenses of the Government of the State, for the unexpired portion of the fiscal year, ending the 30th day of June, A. D. 1854, and for the first seven months of the fiscal year, commencing on the first day of July, 1854."

JOHN BIGLER

Mr. James offered the following resolution, which was adopted :

*Resolved*, That the Treasurer of State be, and is hereby requested to furnish this House with a statement of the amount of money now in the Interest Fund of 1851 and 1852, and if there be a sufficient amount in either fund to pay the interest due in July next ; if not, whether there are any moneys belonging to the public funds which may be applied to that purpose without detriment to the public interest ; whether he has any official knowledge of the payment of the interest due January, 1854 ; if so, whether the person or persons paying the same have been remunerated or not ; whether he has as yet made any contract for the payment of the interest due in July next. If so, he is requested to furnish this House with a copy of said contract and the bond taken for the fulfilment of the contract.

Mr. Hubert gave notice that at an early day he would introduce a bill to change the names of Hannah Maria Drew to that of Hannah Maria Wilkes ; that of Laura Wilkes Drew to that of Flora Wilkes ; that of Edwin James Drew to that of Edwin James Wilkes ; and that of Ethelbert John Drew to that of Ethelbert John Wilkes.

Mr. Hunter gave notice that he would at an early day introduce a bill giving a lien upon stock for the herding or ranching thereof.

On motion of Mr. O'Neil, the House adjourned until 10 o'clock to-morrow.

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## HOUSE OF ASSEMBLY.

THURSDAY, May 4, 1854.

House met pursuant to adjournment.

The roll was called and the following members were absent :

Messrs. Bagley, Carrillo, Davidson, Dawley, Green, Griffith, Hubert, Irwin, James, Myres, McBrayer, Nichols, J. W. Park, Sweetland, Van Cleft, Whipple and Mr. Speaker.

The Journal of Wednesday was read and approved.

Mr. Briggs presented a petition numerously signed by citizens of El Dorado, protesting against the passage of a law granting the right to Mr. Bartlett to construct and keep a Toll Bridge in said county.

Petition read and referred to Committee on Roads and Highways.

Mr. Sweasey presented a remonstrance from the Mayor and Common Council of the city of San Francisco against the extension of the city water front, which was read and referred to Committee on Commerce and Navigation.

Mr. Hastings introduced a bill for an Act for the protection of toll and other bridges in this State.

Read first and second time, and referred to Committee on Roads and Highways.

Mr. Spencer introduced a bill for an Act to amend an Act concerning fees in office, passed May 1, 1851.

Read first time and ordered to a second reading on to-morrow.

Mr. Whitman introduced a bill for an Act to change the name of Mary Elizabeth McGreece to Mary Elizabeth Hastings.

Read first time and ordered to a second reading on to-morrow.

Mr. Dannels made the following report :

The Committee on Indian Affairs to whom was referred the petition of Powell Weaver, asking to be paid for animals and provisions furnished to the friendly Indians while engaged in taking prisoners Antonio Garro and four other Indian Chiefs, who were carrying on a war against the whites in the county of San Bernardino in the year 1851. It appeared to the committee, from the evidence brought before it, that said Weaver, besides furnishing provisions, etc., acted a very prominent part, and was instrumental in taking these hostile Indians prisoners, and in justice should be paid for animals and provisions furnished for the above purpose.

The Committee have directed me to report the accompanying relief bill, and recommend its passage, all which is respectfully submitted.

Assembly bill for the relief of Powell Weaver.

Reported by committee, read first and second time.

On motion of Mr. Bradford, the House resolved itself into Committee of the Whole, Mr. James in the chair, to consider the bill.

After spending some time in its consideration,

On motion, the committee rose, reported the bill back, recommended the passage of the same, and asked to be discharged from its further consideration.

The committee was discharged.

Mr. Conness moved to strike out "general fund," and insert "war fund."

Agreed to.

The bill was then read a third time and passed.

The hour of 11, the special order was taken up for consideration, which was Assembly Bill No. 53, "An Act to regulate Fees in Office."

On motion of Mr. Warmcastle, the House resolved itself into Committee of the Whole, Mr. Letcher in the chair, to consider the bill.

After spending some time in its consideration, and making amendments thereto,

On motion, the committee rose, reported progress, and asked leave to sit again.

Leave granted to sit again.

Mr. Van Cleft moved to take a recess until 12 o'clock.

Agreed to, and the House adjourned until 12 o'clock.

The hour of 12, the House met pursuant to adjournment.

On motion of Mr. Bostwick, the Clerk was directed to invite the Senate to meet in convention, to elect a State Printer.

The two Houses met agreeable to previous resolution to elect a State Printer.

The President of the Senate appointed Mr. Hook on the part of the Senate, and Mr. Hoff was appointed on the part of the House, to act as tellers.

Mr. O'Neil placed in nomination Mr. B. B. Redding for the office of State Printer.

Those who voted for Mr. Redding were—

Messrs. Bryan, Coffroth, Colby, Gardner, De la Guerra, Hager, Hall, Hook, Keene, Leake, Lent, Livermore, Lyons, Mahoney, May, Moore, McFarland, Prague, Stebbins, Tuttle, and Whiting, of the Senate; and

Messrs. Anderson, Ashley, Bagley, Ballou, Bostwick, Bradford, Briggs, Carr, Clingan, Conness, Dannels, Dawley, Fairfield, French, Gilbert, Godard, Gordon, Green, Griffith, Hastings, Herbert, Hoff, Horr, Hoyt, Hubbard, Hubert, Hunt, Irwin, James, Jones, Kellogg, Koll, Mandeville, Musser, Myres, McBrayer, McDonald, McDaniel, Nichols, O'Neil, F. A. Park, Pratt, Purdy, Ring, Rowan, Spencer, Springer, Stemmons, Sweasey, Sweetland, Tallmadge, Tivy, Van Cleft, Whipple, and Mr. Speaker—76.

Mr. Watkins voted for Mr. Washington.

Mr. Redding having received a majority of all the votes cast, was declared duly elected State Printer under the law.

The Senate then withdrew, and the House resumed business.

Mr. Van Cleft moved to go into Committee of the Whole to consider Assembly bill No. 53, which was the Fee bill.

Mr. James moved a call of the House.

The call was not sustained.

Mr. Bagley moved to take a recess until 2 o'clock.

Not agreed to.

The motion of Mr. Van Cleft was then put and carried.

The House resolved itself into Committee of the Whole, Mr. Van Cleft in the chair, to continue the consideration of the Fee bill.

After spending some time in its consideration,

On motion of Mr. Bradford, the Committee rose, reported progress, and asked leave to sit again.

Leave granted to sit again.

The following message was received from the Senate.

I am instructed to inform the Assembly that the Senate passed, on the 2d inst., a bill for "An Act entitled an Act prescribing the manner of commencing and maintaining suits by or against counties."

"An Act to authorize the Comptroller to issue duplicate Warrants." And

"An Act fixing the age of majority of males and females in this State."

On yesterday, "An Act amendatory of and supplementary to an Act entitled an Act concerning the Courts of Justice of this State and Judicial Officers, passed May 19, 1853." And

"An Act for a special term of the District Court in the county of Placer."

And this day, a bill for "An Act to provide Revenue for the support of the Government of this State."

All of which is respectfully submitted.

JOHN Y. LIND, Secretary.

Senate bill No. 185, in reference to the Comptroller, read first and second time, and referred to Committee on Claims.



Senate bill No. 130, for commencing and maintaining actions for and against counties, read first and second time, and referred to Judiciary Committee.

Senate bill No. 178, fixing the age of maturity of males and females in this State, read first and second time, and referred to Judiciary Committee.

Senate bill No. 110, an Act to provide revenue for the support of the Government of this State.

Read first and second time, 240 copies ordered to be printed, and the bill referred to Committee of Ways and Means.

Senate bill No. 180, an Act amendatory of and supplementary to an Act entitled an Act concerning the Courts of Justice of this State and Judicial officers, passed May 19, 1853.

Read first and second time and referred to Judiciary Committee.

On motion of Mr. Dawley, Assembly bill No. 297, upon the same subject, was referred to the same committee.

Mr. O'Neil made the following report :

The Committee on Engrossment have examined and find correctly engrossed :

An Act to incorporate a State Agricultural Society and appropriate money for its support.

An Act to amend an Act to authorize the formation of Corporations for the construction of Plank or Turnpike Roads, approved May 12, 1853.

An Act concerning Corporations.

An Act to amend an Act dividing the State into Counties and establishing Seats of Justice therein, passed April 25, 1851.

An Act to amend an Act concerning the Courts of Justice of this State and Judicial officers, approved May 19, 1853.

An Act to change the name of the Sutter, Jackson and Drytown Water and Mining Company to that of the Jackson Water Company.

An Act to repeal an Act entitled an Act to provide for the measurement of Lumber, passed April 30, 1853.

An Act to authorize the Court of Sessions of the county of Colusa to levy a special tax to build a Court House and Jail; and also,

An Act for the relief of John Skinker and others.

Mr. Ashley moved to go into Committee of the Whole to consider Assembly bill No. 53, an Act to regulate fees in office.

Messrs. Van Cleft, O'Neil and Myres, demanded the yeas and nays.

YEAS.

Messrs. Ashley, Ballou, Bennett, Bowie, Bradford, Burton, Carr, Conness, Cornwall, Gordon, Griffith, Hagans, Henry, Hubert, Hunt, Hunter, Jones, Lindsey, Musser, McDonald, McGee, Noel, Spencer, Stemmons, Stowe, Sweasey, Tallmadge, Tivy, Warmcastle, Watkins and Whitman—31.

NAYS.

Messrs. Anderson, Briggs, Clingan, Dawley, Fairfield, French, Gilbert, Green, Hastings, Hoff, Hollister, Horr, Hubbard, Irwin, James, Koll, Myers, McBrayer, McKinney, Nichols, O'Neil, F. A. Park, J. W. Park, Pratt, Purdy, Ring, Rowan, Springer, Van Cleft, Whipple and Mr. Speaker—31.

There being an equal number of votes the motion was lost.

Mr. Van Cleft moved to strike out the enacting clause of the bill, and Messrs. Bradford, McKinney and French demanded the yeas and nays.

Mr. Conness moved to make the bill the special order for to-morrow at 11 o'clock, and Messrs. Stowe, Conness, and Tallmadge, demanded the yeas and nays.

Mr. Van Cleft demanded the previous question.

The previous question was sustained.

The vote was then taken upon the motion made by Mr. Conness.

YEAS.

Messrs. Anderson, Ashley, Ballou, Bennett, Bowie, Bradford, Burton, Carr, Ingan, Conness, Cornwall, Dawley, Ewer, Gordon, Griffith, Hagans, Hubert, Hunt, Hunter, Kellogg, Lindsey, Musser, McDonald, McDaniel, McGee, Noel, Spencer, Springer, Stemmons, Stowe, Sweasey, Tallmadge, Tivy, Warmcastle, Watkins, Whipple and Whitman—37.

NAYS.

Messrs. Bagley, Briggs, Fairfield, French, Gilbert, Green, Hastings, Henry, Herbert, Hoff, Hollister, Horr, Hubbard, Irwin, James, Jones, Koll, Myres, McFarmer, McKinney, Nichols, O'Neil, F. A. Park, J. W. Park, Pratt, Purdy, Ring, Swan, Stevenson, Van Cleft and Mr. Speaker—31.

So the bill was referred and made the special order.

On motion of Mr. McDaniel, Senate bill No. 149, in reference to the formation of a new county out of portions of Calaveras county, was taken up for consideration.

The amendments offered by the delegation from that county, were adopted, and the bill further amended. The bill considered as engrossed.

Read a third time and passed.

On motion of Mr. Myres the title of the bill was amended, to correspond with the bill.

Mr. Ballou moved to take from the table the motion of Mr. Bostwick to amend the first standing rule of the House.

Agreed to.

Mr. Hoff moved to adjourn.

Not agreed to.

Mr. Conness moved to amend the first standing rule of the House by adding the following :

The House shall meet each day at half past seven, P. M., for an evening session.

Mr. Bennett demanded the previous question.

Mr. Fairfax moved a call of the House.

Call not sustained.

The motion for the previous question was then put and lost.

The amendment offered by Mr. Conness, did not pass.

Mr. Burton moved to strike out half past seven and insert nine o'clock.

Pending the consideration of which,

On motion of Mr. Hoff, the House adjourned until 10 o'clock to-morrow.

## HOUSE OF ASSEMBLY.

FRIDAY, May 5, 1854

House met pursuant to adjournment.

The roll was called, and the following members were absent :

Messrs. Ballou, Carr, Conness, Cornwall, Davidson, Dawley, French, Gilbo, Griffith, Henry, Herbert, Hoff, Houghtaling, Hubert, Irwin, James, Mc Du, McKinney, Nichols, Purdy, Rowan, and Tallmadge.

The Journal of Thursday was read, amended, and approved.

On motion, leave of absence was granted to Mr. Dawley for four days.

Mr. Purdy presented a petition, very numerously signed by citizens of San Francisco, in opposition to the extension of the water front of the city of San Francisco. Petition read, and referred to Committee on Commerce and Navigation.

Mr. Green presented a petition from the Chamber of Commerce of San Francisco, protesting against the extension of the water front of the city of San Francisco. Petition read.

Mr. McBrayer presented a petition from A. M. Winn, praying for relief.

The petition was read.

Mr. McBrayer offered a concurrent resolution instructing the Board of Indian War Commissioners to examine the claims of General Winn, And upon his motion the resolution was laid upon the table.

Mr. Spencer introduced a bill for "An Act granting to Mill Owners or Proprietors upon Humboldt Bay the occupancy of the Water Front.

Read first and second time, and referred to Committee on Commerce and Navigation.

Mr. Hubert introduced a bill for an Act to change the names of certain persons therein mentioned.

Read first and second time and referred to the San Francisco delegation.

Mr. O'Neil, chairman, made the following report :

The Committee on Engrossment have examined and find correctly engrossed, "An Act to prevent changing the Names of Ships, Vessels and Steamboats."

"An Act for the Relief of Powell Weaver."

Also, substitute for Senate Joint Resolution No. 35, in reference to the action of the U. S. Indian Commissioners in this State.

Mr. Dannels introduced a bill for "An Act repealing the 8th, 9th, and 10th sections of an Act approved May 18th, 1853, entitled, An Act amendatory of an Act supplementary to the Act entitled An Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State."

Read first and second time, and referred to Judiciary Committee,

Mr. Jones, chairman select committee, made the following report :

The report read, and 240 copies ordered to be printed.



MR. SPEAKER :

The special committee appointed to take into consideration the communication of the Treasurer of the State, to ascertain the amount of property sold by the city of San Francisco under the Act of March 26, 1851, and to ascertain the amount of such sales to which the State is entitled to twenty-five per cent., and also, the amount otherwise disposed of under the provisions of said Act, have had the same under consideration, and beg leave to make the following report :

Before giving a statement of the different sales which have been made of beach and water lot property, under the provisions of said Act, by the city of San Francisco, and other parties, we would say that to comply fully with the requisitions of the resolution under which we were appointed, demands more time than we, with other duties claiming our attention, could possibly appropriate exclusively to this subject, but being sensible of the magnitude of the interest entrusted to our care, we have labored assiduously to a correct completion of our task, and most respectfully recommend to the consideration of the Assembly, the following estimates of sales of Beach and Water Lot property.

That the amount of Beach and Water Lot property, sold by Peter Smith, on different executions against the city of San Francisco, included within the present water front since the passage of the law of March 26, 1851, amounts, as appears from schedule A, herewith submitted, to the sum of fifty-eight thousand eight hundred and sixty-five dollars, exclusive of property sold under same judgment on the 30th January, 1852, and which is claimed by the city by redemption.

That the Beach and Water Lot property sold by others on different executions, against the city, as appears from schedule B, herewith submitted, amounts to the sum of eleven thousand and eighty-nine dollars.

That the sum realized to the city of San Francisco, by the sale of the above property, amounts to sixty-nine thousand nine hundred and fifty-four dollars.

That the sales of property made by the Fund Commissioners, amounts to the sum of one hundred and nineteen thousand four hundred and forty dollars, as appears by reference to schedule C.

That the sales of property made by the Joint Committee on Land Claims, appointed by the Common Council of the city of San Francisco under an ordinance, approved December 5, 1853, amounts to the sum of one million one hundred and ninety-three thousand seven hundred and fifty dollars, which will appear by reference to schedule D, hereto annexed, that the sum of five hundred and twelve thousand four hundred and eighty-eight dollars and sixty-seven cents has been received by the committee from purchasers on account of payments, leaving a balance due from said sales of six hundred and eighty-one thousand two hundred and sixty-one dollars and thirty-three cents. The chairman of said Joint Committee further adds that notes were made by purchasers of portions of said property and delivered to them, amounting to the sum of three hundred and thirty-seven thousand three hundred and eighteen dollars and forty-eight cents, but that property amounting to three hundred and forty-three thousand nine hundred and forty-two dollars and eighty-five cents was sold, for which the city has no security, and which will probably never be called for, but remain in the same condition as if the same had never been offered for sale. Thus it will be seen that property to which the State of California is interested has been disposed of to the amount of—

By Peter Smith judgment,	\$58,865
By other judgments,	11,089
By Joint Land Committee,	1,193,750
By Fund Commissioners,	119,440
	<hr/> \$1,383,144



In addition to the above, your committee would further report, that on the 30th January, 1852, a large amount of beach and water lot property was sold under a judgment rendered against said city of San Francisco, in favor of Peter Smith, for three thousand five hundred and sixty dollars, which said property, so sold, is specified in schedule E, hereto annexed: that said property was sought to be recovered by redemption, by the city of San Francisco, subsequent to said sale, but that your committee are advised (unofficially) that the Supreme Court have decided against the claim of the redemptionists.

That the amount of property sold, and the manner of such sale, as well as the amount due the State of California, is set forth in schedule G, hereto annexed.

That the entire sum of money paid into the State Treasury by the city of San Francisco, under the Act of 26th March, 1851, amounts to the sum of seventy-eight thousand five hundred and sixty-seven dollars and ninety-five cents. That the sum of five thousand one hundred and sixty dollars and fifty cents has been paid into the State Treasury at different times, by purchasers under judgments against the city of San Francisco, in favor of Peter Smith and others, but that there is no evidence before the committee going to show that they were authorized by the city to make such payments, and in the opinion of the committee the said payments were made without any authority of law, and hence no rights were vested or created in consequence of such payment.

Your Committee, although not required by the resolution under which they are acting to report upon those matters which do not effect the disposition of the Beach and Water Lot property, under the Act of March 26, 1851, yet will refer incidentally to those sales which have been made by the Board of California Land Commissioners.

From a report made by the State Treasurer, it seems that property to the amount of seven hundred and nine thousand four hundred and seventy five dollars has been disposed of at public sale. That on the 3rd of April, 1854, at which time said report was made out, the sum of two hundred and thirty four thousand, nine hundred and five dollars and eighteen cents, had been paid into the State Treasury, said sum being exclusive of the payments made in State's Prison Bonds.

That the sum of ninety two thousand dollars in State Prison Bonds, was received, on account of said sales, making in all the sum of three hundred and twenty six thousand, nine hundred and five dollars and eighteen cents.

That there has been paid to the Fund Commissioners, by the lessees of the California and Market street Wharf, the sum of \$11,936 69: by the lessees of Broadway Wharf, \$3,222 74: and by the lessees of Pacific street Wharf, the sum of \$16,159 56; making in the aggregate \$31,318 99.

That the sum of seven thousand six hundred and eighty five dollars has been received by the Controller of the city of San Francisco, for the rent of certain other Wharfs, and which is more particularly set forth in schedule G hereto annexed.

By reference to the report of the Joint Committee on Land Claims (see schedule D) it will be seen that the sum of five hundred and twelve thousand four hundred and eighty eight dollars and sixty seven cents (\$512,488 67) has long since been paid by them, and that notes to the amount of one hundred and sixty one thousand and forty three dollars and forty eight cents, (\$161,043 48) matured on the 28th of February, 1854; and, also, four months notes, falling due on the 27th of April 1854, for the sum of one hundred and eighty six thousand, two hundred and seventy five dollars (\$186,275 00) which, if paid at the time they fall due, would show in the hands of the Joint Committee the sum of eight hundred and forty nine thousand eight hundred and seven dollars and fifteen cents, (\$849,807 15,) of which sum the State is entitled to two hundred and twelve thousand four hundred and fifty one dollars and seventy eight cents (\$312,451 75,) (less the amount heretofore paid that being twenty five per cent of the receipts arising from sales of the Beach and Water Lot property;

Until the time shall have expired for the purchasers to make their final settlements, according to the terms of sale, it will be impossible for the Committee to report the precise amount the State is entitled to, as a large amount of property will no doubt remain uncalled for, and must be resold; but as near as can be ascertained, a balance of one hundred and sixty-three thousand seven hundred and forty-three dollars and eighty-four cents (\$163,743 84) is shown to exist in favor of the State from San Francisco.

Your Committee make up the amount as follows :

Payments made as per schedule D,	-	-	-	-	\$512,488 67
Notes which became due 28th February, 1854,	-	-	-	-	151,043 48
Notes which became due 27th April, 1854,	-	-	-	-	186,275 00
Sales made by Fund Commissioners,	-	-	-	-	119,440 00
					<hr/>
					\$969,247 15
					<hr/>
Of which sum, the State is entitled to 25 per cent., amounting to					\$242,311 78
Deduct payment heretofore made,	-	-	-	-	78,567 95
					<hr/>
Balance due the State from San Francisco,	-	-	-	-	\$163,743 83
					<hr/>

As has been already remarked, we have not had sufficient time to devote to this subject which its importance demands, and with increased powers, we respectfully ask leave to sit again. We, therefore, submit the following resolution for your approval :

*Resolved*, That the special committee appointed to take into consideration the communication of the Treasurer of the State, to ascertain the amount of property sold by the city of San Francisco, under the Act of March 26, 1851, and to ascertain the amount of such sales to which the State is entitled to 25 per cent.; and also the amount otherwise disposed of, under the provisions of said Act, have power to send for persons and papers, and to take testimony.

J. C. JONES, Chairman,  
F. A. PARK,  
GEO. H. VAN CLEFT,  
JOHN J. HOFF.

## SCHEDULE A.

Water	Lot number	20 for	\$105 00
"	21		60 00
"	22		55 00
"	23		55 00
"	25		135 00
"	27		65 00
"	28		90 00
"	29		85 00
"	30		250 00
"	31		620 00
"	32		350 00
"	33		290 00
"	34		70 00
"	35		125 00
"	36		75 00
"	37		355 00
"	38		210 00
"	39		260 00
"	64		100 00
"	65		210 00
"	66		60 00
"	67		50 00
"	68		115 00
"	69		180 00
"	71		185 00
"	72		210 00
"	73		205 00
"	74		50 00
"	75		80 00
"	78		55 00
"	89		65 00
"	90		210 00
"	91		230 00
"	92		230 00
"	94		105 00
"	95		50 00
"	96		125 00
"	97		50 00
"	98		90 00
"	99		120 00
"	100		110 00
"	101		50 00
"	102		85 00
"	103		110 00
"	104		90 00
"	105		95 00
"	106		105 00
"	107		95 00
"	108		105 00
"	109		85 00

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Amount carried forward, \$6,960 00

## SCHEDULE A—Continued.

	Amount brought forward,	\$6,960 00
Water Lot	number 110	110 00
"	111	90 00
"	273	510 00
"	294	625 00
"	301	315 00
"	312	510 00
"	313	490 00
"	315	655 00
"	316	550 00
"	319	610 00
"	320	535 00
"	321	200 00
"	322	310 00
"	326	560 00
"	352	310 00
"	371	300 00
"	372	240 00
"	309	225 00
"	420	255 00
"	421	215 00
"	422	505 00
"	424	240 00
"	457	250 00
"	459	630 00
"	463	150 00
"	505	410 00
"	506	940 00
"	507	500 00
"	508	1,025 00
"	509	900 00
"	510	300 00
"	511	850 00
"	514	1,265 00
"	515	1,305 00
"	516	1,020 00
"	517	1,190 00
"	534	320 00
"	580	970 00
"	588	1,375 00
"	606	725 00
"	618	670 00
"	678	510 00
"	679	510 00
"	682	405 00
"	687	400 00
"	688	370 00
"	689	370 00
"	690	330 00
"	721	260 00

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Am't carried forward, \$33,270 00



## SCHEDULE A--Continued.

	Amount brought forward,	\$33,270 00
Water Lot number	724	285 00
"	726	285 00
"	731	360 00
"	767	380 00
"	770	215 00
"	772	335 00

*Water Blocks in Southern portion of City of San Francisco.*

Block number	1	1,250 00
"	2	920 00
"	4	480 00
"	5	640 00
"	6	600 00
"	7	600 00
"	8	610 00
"	9	2,700 00
"	10	825 00
"	13	100 00
"	14	100 00
"	15	80 00
"	16	130 00
"	17	125 00
"	18	160 00
"	19	130 00
"	20	145 00
"	21	140 00
"	22	200 00
"	23	145 00
"	24	65 00
"	26	75 00
"	27	150 00
"	28	135 00
"	29	130 00
"	30	60 00
"	31	50 00
		<hr/>
		\$45,865 00

## SCHEDULE A—Continued.

Amount brought forward,	\$45,865 00
All that fractional tract of ground covered with water, bounded on the westerly side by a line 100 varas east of the eastern line of Davis street, when extended, and running parallel to Davis street, on north by Pacific street, on the south by Jackson street, and on the east by the eastern boundary of the beach and water lots of said city as defined by Legislature, for the sum of	\$2,850 00
All that tract of ground covered with water bounded on the west by Davis street, on the north by Jackson street, on the south by Washington street, and on the east by the boundary of the beach and water lot of the aforesaid city as defined by the Legislature of the State, for the sum of	1,350 00
All that tract of ground covered with water, being 100 varas square, bounded on the west by Front street, on the east by Davis street, on the north by Jackson street, and on the south by Washington street,	4,000 00
All that tract of ground covered with water bounded on the north by Sacramento street, on the south-easterly by Market street, and on the westerly side by the four beach and water lots numbered on the official map of said city from 571 to 574, for	1,750 00
All that tract of ground covered with water, being 100 varas square, bounded on the south side by Pacific street, on the north by Broadway, on the west by Front street, and on the east by the extension of Davis street, for	3,050 00
	<hr/> \$58,865 00

## SCHEDULE B.

*Sold on Execution of Morrow vs. City of San Francisco, August 18, 1851*

That certain tract of land bounded on the easterly side by the extension of Drum street, on the northerly by Pacific street, on the southerly side by Jackson street, and on the westerly side by Davis street, being 100 varas square, for \$3,00

*Sold on Execution of Winter & Latimer vs. City of San Francisco, September 18, 1851.*

Water lot 229 sold, November 10, 1851, for 40 00

That tract of land bounded on the westerly side by Drum street, on the southerly side by Clay street, and on the easterly side by the eastern boundary line of city, as defined by Legislature, for 1,125 00

Also, the 100 vara square, bounded on the northerly side by Vallejo street, southerly side by Broadway street, and westerly side by Front street, and on easterly side by the extension of Davis street, for 1,125 00

Also, Beach and Water Lot No. 290, 930 00

" " " " No. 291, 1,640 00

*Sold on Execution of Morisson vs. City, October 23, 1851.*

All that piece of ground bounded on the northwesterly side by Harrison street, on the south-westerly side by Spear street, on the south-easterly side by a line 50 varas south of the southerly line of Harrison street, and in an easterly direction running parallel to Harrison street, to the Water Lot boundary, and on the easterly side by the easterly boundary of the Beach and Water Lots as defined by the Legislature, for 450 00

Also, 50 vara lot commencing at a point where the southerly line of Folsom street intersects the westerly line of Spear street, thence running northwesterly on Folsom street 50 varas, thence southeastwardly at right angles 50 varas, thence northeastwardly 50 varas to Spear street, thence along the westerly line of Spear street 50 varas to the point of beginning, 425 00

Also, 50 vara lot commencing at the south-easterly intersection of Folsom and Front streets, thence running south-eastwardly on Front street 50 varas, thence north-eastwardly 50 varas, thence north-westwardly 50 varas to Folsom street, thence along the line of Folsom street 50 varas, to the place of beginning, 460 00

Amount carried forward. \$9,196 00

SCHEDULE B—Continued.

Amount brought forward, - - - \$9,199 00

Also, 50 vara lot commencing at a point 50 varas south-eastwardly from the south-westerly intersection of Folsom and Spear streets, thence running south-westwardly parallel to Folsom street 50 varas, thence south-westwardly 50 varas, thence 50 varas to Spear street, thence along the line of Spear street, north-westwardly 50 varas to beginning, 250 00

That 50 vara lot commencing 50 varas south-eastwardly from the south-eastwardly intersection of Folsom and Front streets, running north-eastwardly parallel to Folsom street 50 varas, thence south-eastwardly parallel to Front street 50 varas, thence north-eastwardly 50 varas to Front street, thence north-westwardly 50 varas to place of beginning, 150 00

*Sold on Execution of Menrion, vs. City of San Francisco,*  
Oct. 23, 1851.

That 50 vara lot commencing at the southwestly intersection of Folsom and Front streets, running southwestwardly on Folsom street, 50 varas, thence southeastwardly 50 varas, thence northeastwardly 50 varas to Front street, thence northwestwardly 50 varas to beginning - - - \$575 00

That 50 vara lot commencing at the southeasterly intersection of Folsom and Beal streets, running southeastwardly on Beal street, 50 varas, thence northeastwardly 50 varas, thence northwestwardly 50 varas to Folsom street, thence southwestwardly along Folsom street 50 varas to beginning - - - - - \$575 00

Also, block number eleven (11) between King and Channnel streets for 270 00

\$11,089 00



## SCHEDULE C

	Total amount of sales.	Am't due the State, being 25 per cent.
Property sold by the Joint Committee on Land Claims, - - - - -	\$1,193,750 00	\$298,437 50
Property sold by Fund Commissioners, - - -	119,440 00	\$29,860 00
Amount received by Fund Commissioners from lessees of California and Market street Wharf,	11,936 69	
From Broadway Wharf, - - -	3,222 74	
From Pacific street Wharf, - - -	16,159 56	
	<hr/> \$31,318 99	\$7,829 74
Amount received by City Comptroller of San Francisco, from Washington street Wharf,	\$2,550 00	
From Clay street Wharf, - - -	2,525 00	
From Jackson street Wharf, - - -	1,290 00	
From Vallejo street Wharf, - - -	620 00	
From Adams & Co.'s Wharf, - - -	600 00	
From Wilson Flint's Wharf, - - -	100 00	
	<hr/> \$7,685 00	\$1,921 50

## SCHEDULE D.

MAYOR'S OFFICE,  
San Francisco, March 29, 1854. }

*To the Special Committee of Assembly :*

GENTLEMEN :

I yesterday had the honor to present to you a statement showing that the amount of money bid for the property sold by Selover & Sinton, under order of the Joint Committee on Land Claims, as authorized by Ordinance of the Common Council, approved Dec. 5, 1853, was \$1,193,750 00

That there had been received by the Committee from purchasers, on account of payments - - - - - \$512,488 67

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\$681,261 33

I beg leave now to add for your information that the Committee have in their possession notes of the purchasers given by them on settlement, amounting to 60 day notes, matured 28th February, - - - \$151,043 48

Four months Notes falling due April 2, - - - - - 186,275 00

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\$337,318 48

That amount will in all probability be collected, although the parties owing may require time. Then there remains the sum of - - - \$343,942 85 unpaid for, which the city has no security, and which property will, probably, never be called for, but remain in the same condition as if the same had never been offered for sale.

In the present state of the money market, and in view of the known great depreciation in the value of real estate, I deem it advisable not to offer at this time the smallest four lots at public sale, but shall take occasion to do so when a more prosperous state of the money market shall justify. I hope that prices may be obtained approximating to those received at the last sale.

In the meantime all efforts shall be employed by me, not only to collect the notes already matured, and about to mature, but also to make the parties responsible for the balance due on purchases on which the first payment alone was made, and for

which no notes were given, which sum will amount to in round numbers thirty five thousand dollars.

I have the honor to be, gentlemen,

very respectfully, your obedient servant,

(Signed:)

C. K. GARRISON, Mayor,

and Chairman Joint Committee on Land Claims

By SMYTH, Clerk

## SCHEDULE E.

The following water lot property was sold under execution of Peter Smith against the city of San Francisco, January 30, 1852, and is claimed by the city by redemption :

All that piece or parcel of ground, 100 varas square, bounded on the northwardly side by Harrison street, on the north-eastwardly side by Front street, on the south-eastwardly side by Block No. 3, and on south-westerly side by Beale street. \$230 00

Also, that tract of ground covered with water, 100x50 varas, bounded on the west by Kearney street, north by Francisco street, east by Montgomery street, and south by Chesnut street, 75 00

Also, that piece or parcel of ground commencing in the north-west corner of Front and Harrison streets, running thence along Front street in a north-westerly direction 150 varas, thence at right angles 100 to Beale street, thence along Beale street 150 to corner of Beale and Harrison streets, thence in a north-easterly direction along Harrison street 100 varas to place of beginning, 220 00

North Beach.	Block number	1	sold for,	125 00
"	"	2	"	55 00
"	"	3	"	115 00
"	"	4	"	110 00
"	"	5	"	110 00
"	"	7	"	125 00
"	"	8	"	85 00
"	"	9	"	120 00
"	"	11	"	160 00
"	"	12	"	305 00
"	"	13	"	300 00
"	"	14	"	215 00
"	"	15	"	220 00
"	"	17	"	650 00
"	"	19	"	340 00
				<hr/>
				\$3,560 00



## SCHEDULE F.

*Account of Moneys paid in by City of San Francisco on sales of Beach and Water Lots sold under Act of March 26, 1851.*

1852.			
January 26,	Cash from Fund Commissioners,	.	\$1,000 00
1853.			
February 1,	"	"	10,000 00
March 26,	"	Hiram Pierson,	1,312 50
April 7,	"	L. W. Connelly,	212 50
" 8,	"	Fund Commissioners,	7,000 00
" 29,	"	"	8,267 95
May 20,	"	"	2,300 00
August 1,	"	C. W. Gunnell,	287 50
September 1,	"	H. S. Fitch, per R. H. Sinton,	43 75
" 1,	"	James King, of Wm.,	127 50
December 2,	"	Robert Rankin,	452 50
" 6,	"	E. W. Leonard,	232 50
" 6,	"	M. Matison,	27 50
" 6,	"	H. C. Beals,	32 50
" 13,	"	Charles Horner,	106 25
" 13,	"	C. R. Sanders and L. W. Holliday,	112 50
" 13,	"	L. W. Holliday and D. G. Perkins,	37 50
" 16,	"	H. D. Cogswell,	83 75
" 24,	"	Levi Parsons,	32 50
" 24,	"	A. J. Ellis,	410 00
" 24,	"	J. M. Moss,	712 50
" 29,	"	Dexter Bingham, jr.,	593 00
1854.			
January 2,	"	G. W. Helsey,	343 75
" 14,	"	Fund Commissioners,	50,000 00
			<hr/>
			\$83,728 45



## SCHEDULE G.—Continued.

*Water Lot Property, South Beach, subdivided into 100-acre Lots.*

No.	12	61	100	Vara Lot No	LOCATION	PRICE.	PURCHASER.	NAME INSERTED IN DEED	
	62			1	Corner Bay, Third, and Channel sts.,	\$1,200	J. W. Dwinelle,	Louis Peck,	1,200
				2	Nos 1 and 3 Berry and Channel sts.,	1,175	J. W. Dwinelle,	Louis Peck,	1,175
				3	Cor. Berry, Fourth, and Channel sts.,	1,175	J. W. Dwinelle,	Louis Peck,	1,175
	62			1	Cor. Irwin, Simmons, and Hubbard,	450	James Blair,	Mrs. M. J. Blair,	450
	64			2	Bet. Irwin and Hubbard sts., 1 and 3,	400	C. C. Bowman,	Sol. Heydenfeldt and Syl. Bowman,	400
	65			3	Cor. Irwin, Harris, and Hubbard,	500	A. Merrill,	Henry Lambert,	500
	66			1	Cor. Hubbard, Simmons, and South,	500	H. Lambert,		500
	67			2	Bet. Hubbard and South sts., 1 and 3,	420	George Gordon,	George Gordon,	420
	68			3	Cor Hubbard, Harris, and South sts.,	525	George Gordon,		525
	61	70	On East street, between Market and Mission,			\$5,050	J. W. Dwinelle,	Louis Peck,	5,050
	61	71	On East street, between Polson and Howard.			4,600	George Gordon,	George Gordon,	4,600

*Water Lots on the East Front of the city.*

WATER PROPERTY NORTH BEACH.

No.		No		Vara Lot No.		LOCATION.	PRICE.	PURCHASER.	NAME INSERTED IN DEED.	
1	2	3	4	5	6	N. E. corner Mason and Beach streets, On Beach street,	250	Henry Meiggs, Pres't.		
7	8	9	10	11	12	N. W. corner Powell and Beach streets, S. W. corner Powell and Jefferson streets, On Jefferson street,	270 420 750	Do. Do. Do.		
13	14	15	16	17	18	S. E. corner Jefferson and Marion streets, N. E. corner Jones and North Point streets, North Point street, N. W. corner Taylor and North Point streets,	590 700 360	Do. J. T. McDougal, J. Hetherington, C. G. Carter,		
19	20	21	22	23	24	S. W. corner Taylor and Beach streets, On Beach street, N. E. corner Powell and Beach streets,	675 420 475	B. Phillips, Do. Geo. C. Potter,		
25	26	27	28	29	30	N. E. corner Powell and North Point streets, On North Point street, N. W. corner Stockton and North Point sts., S. W. corner Stockton and Beach streets,	875 650 1,400 1,800		James T. McDougal, Joseph Hetherington, Charles G. Carter, Francis A. Hollman, Francis A. Hollman, Sam. Merritt, Geo. C. Potter, Henry P. Hoyt, Francis A. Holman, Charles G. Carter, Samuel Merritt, George A. Potter, Henry P. Hoyt,	240 360 624 675 420 475 875 650 1,400 1,800
31	32	33	34	35	36	On Beach street, S. E. corner Powell and Beach streets, On North Point street, N. W. corner Dupont and North Point sts., S. W. corner Dupont and Beach streets, On Beach street,	1,400 2,000 1,950 975 2,125 2,825	Geo. C. Potter, Dr. Merritt, C. H. McClelland, Do. Do. Do.		
37	38	39	40	41	42	S. E. corner Stockton and Beach streets, N. E. corner Bay and Jones streets, On Bay street,	1,450 5,000 1,025 850	Do. Moses Hoyt, Joshua Norton, Do.		



# SCHEDULE G—Continued.

NO	LOCATION	PRICE	PURCHASER	NAME INSERTED IN DEED	
39	3 N. W. corner Taylor and Bay streets,	1,350	B. Richardson,	Benjamin Richardson,	1,350
40	4 S. W. corner Taylor and North Point streets,	900	James Phelan,	James and Michael Phelan,	900
41	5 On North Point street,	825	B. Richardson,	Benjamin Richardson,	825
42	6 S. E. corner Jones and North Point streets,	825	Joshua Norton,	Joshua Norton,	825
13 43	1 N. E. corner Taylor and Bay streets,	675	James Phelan,	James and Michael Phelan,	675
44	2 On Bay street,	925	Hoyt,	Henry P. Hoyt,	925
45	3 N. E. corner Mason and Bay streets,	1,200	C. D. Carter,	Charles D. Carter,	1,200
46	4 S. W. corner Mason and North Point streets,	1,100	William Heiser,	William Heiser,	1,100
47	5 On North Point street,	675	L. H. Bowman,	Joshua Soule Bowman,	675
48	6 S. E. corner Taylor and North Point streets,	1,250	F. Shuthers,	John Frederick Shuthers,	1,250
17 55	1 N. E. corner Powell and Bay streets,	1,625	Geo. C. Potter,	Samuel Merritt; George C. Potter, Henry P. Hoyt,	1,625
56	2 On Bay street,	1,000	Dr. Gantier,	Leon P. Gantier,	1,000
57	3 N. E. corner Stockton and Bay streets,	2,300	C. D. Carter,	Charles D. Carter,	2,300
58	4 S. W. corner Stockton and North Point sts.,	2,425	Wm. Hampton,	William Hampton and Stephen B. Whipple,	2,425
59	5 On North Point street,	1,025	D. L. Ross,	Daniel L. Ross,	1,025
60	6 S. E. corner Powell and North Point streets,	2,450	Dr. Merritt,	Samuel Merritt, George C. Potter, Henry P. Hoyt,	2,450

## SCHEDULE G.—Continued.

*Water Property South Beach, November 5, 1852.*

No.	LOCATION.	PRICE.	PURCHASER.	NAME INSERTED IN DEED.	275
1	100 Vara Lot No. 3, in block corner of Gwin, Harris, and Hubbard sts.,	\$275,	Dr. Hitchcock,	Eliza Hyche Hitchcock,	

*Sale of City Property continued November 5, 1853.*

302	Easterly side Beach street, near Market-Wharf,	M. Reese,	Michael Reese,	\$4,550
311	" " adjoining above,	Do.	Do.	4,300
652	On East street, between Mission and Howard,	Nagle,	H. M. Nagle,	7,400
653	" " "	Masson.	Eugene Masson,	7,350
654	" " "	Pope,	A. J. Pope,	7,150
655	" " "	Casserly,	Eugene Casserly,	7,050
				<hr/> \$37,800

*Sale continued January 13, 1852.*

Water Lot No. 534, Lawrence. \$4,000.

*Account of Property sold in the City of San Francisco by the California Land Commissioners, under authority of the Legislature, approved May 18, 1853.*

NO. OF LOT.	WHERE SITUATED.	SIZE OF LOT.	DATE OF SALE.	PURCHASER'S NAME.	AMOUNT OF SALE.	FIRST PAYMENT.	REMARKS.
64	Corner of Jackson and Front streets.	45 10 by 137 $\frac{1}{2}$ feet.	1853.				
69	Corner of Washington and Front.	"	Sept. 12.	Wm. Arrington.	12,350	\$1,235	
65	On Front street.	"	" 5.	H. E. Sweitzer.	20,000		
66	"	"	Oct. 20.	Wm. Arrington.	8,100		
67	"	"	"	Wm. Heiser.	9,150		
68	"	"	"	Rodgers & Friedman.	8,700		
70	Corner of Washington and Battery.	"	"	Charles D. Carter.	9,050		
71	On Battery street.	"	"	B. Grafty.	18,600		
72	"	"	"	Chas. S. Compton.	9,250		
73	"	"	"	"	9,100		
74	"	"	"	Henry S. Dana.	9,100		
					10,400		
Amount of sales,					\$122,700		
Amount of expenses audited by the Board, for which certificates have issued,					\$11,603 75		
Nov. 26, 1853.—Amount received by State Treasurer,					\$37,324 33		

Dated November, 25, 1853;





*Report of Board of Land Commissioners for the State Property, sold in San Francisco December 28, 1853, under and by virtue of an Act of the Legislature, approved May 18, 1853.*

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[FRIDAY,

NO. OF LOT.	HOW SITUATED.	DIMENSIONS.	DATE.	TO WHOM SOLD.	AMOUNT SALES.	REMARKS.
19	S. W. corner Front and Broadway	45, 10 by 137, 06	Dec. 28 1853.	H. B. Platt,	\$12,250	Transferred by purchaser to Hyam Joseph.
20	On Front street	"	"	Do.	7,000	Do.
21	"	"	"	Do.	7,500	Do.
22	"	"	"	H. C. Worth,	7,750	Transferred by purchaser to Palmer, Cook & Co.
23	"	"	"	Do.	8,000	Do.
24	N. W. corner Front and Pacific	"	"	Do.	13,750	Do.
25	N. E. corner Pacific and Battery	"	"	C. H. Swain,	13,500	Do.
26	On Battery street	"	"	H. C. Worth,	12,600	Do.
27	"	"	"	C. H. Swain,	9,500	Do.
28	"	"	"	J. H. Ray,	10,000	Transferred by purchaser to Hall McAllister.
29	"	"	"	Do.	8,000	Do.
30	S. E. corner Battery and Broadway	"	"	Do.	6,900	Do.
1	S. W. corner Broadway and Davis.	"	"	Chas. Wood,	12,750	Transferred by purchaser to Palmer, Cook & Co.
2	On Davis street	"	"	George Reid,	8,600	Do.
3	"	"	"	C. H. Stanton,	8,500	Do.
4	"	"	"	Do.	8,750	Do.
5	"	"	"	F. Place,	9,250	Do.
6	N. W. corner Davis and Pacific	"	"	Do.	14,500	Do.
7	N. E. corner Pacific and Front	"	"	Charles Wood,	14,200	Do.
8	On Front street	"	"	H. C. Worth,	8,750	Do.
9	"	"	"	F. Place,	9,250	Do.
10	"	"	"	H. C. Perry,	9,400	Do.
11	"	"	"	Do.	9,600	Do.
12	S. E. corner Broadway and Front	"	"	Do.	12,200	Do.
33	On Battery street	"	"	D. C. Broderick,	650	Do.
34	"	"	"	H. C. Worth,	1,375	Do.
35	"	"	"	H. B. Platt,	4,250	Do.
36	N. W. corner Battery and Pacific	"	"	Do.	15,100	Do.
75	S. E. corner Jackson and Battery	"	"	Charles S. Casle,	12,250	Do.

Transferred by purchaser to Hyam Joseph.

Lot 75, bought by W. H. White, at sale October 20, 1853, for \$20,000—failing to comply with terms of sale, was resold on his account, and suit has been ordered to recover deficiency.

1	N. E. corner Front and Washington	45 10 by 60	"	John A. Munive,	4,250	Transferred by purchaser to S. Heydenfeldt.
2	On Front street	30 by 60	"	Bowman,	4,600	
3	"	20 by 60	"	W. H. Middleton,	2,600	
4	"	"	"	Do.	3,000	
5	S. E. corner Front and Oregon	"	"	Do.	3,200	
6	On Oregon street	80 by 55	"	Bowman,	2,200	Transferred by purchaser to S. Heydenfeldt.
7	"	22 by 55	"	John Rockfort,	1,600	
8	"	"	"	W. H. Talmage,	1,500	
9	"	"	"	Do.	1,800	
10	"	"	"	H. Casement,	1,600	
11	"	"	"	Do.	1,600	
12	S. W. corner Davis and Oregon	24 by 75	"	Do.	4,350	
13	On Davis street	"	"	Capt. Roberts,	3,500	Transferred by purchaser to S. Heydenfeldt.
14	"	"	"	Bowman,	3,500	Do.
15	"	"	"	W. H. Talmage,	3,400	
16	N. W. corner Davis and Washington	"	"	Do.	5,500	
17	On Washington street	22 by 65	"	Do.	3,900	
18	"	"	"	Do.	2,750	
19	"	"	"	H. Casement,	3,000	
20	"	36 by 65	"	Bowman,	4,750	
21	"	18 by 65	"	S. C. Hastings,	2,700	
22	"	20 by 65	"	John A. Munive,	3,100	Transferred by purchaser to S. Heydenfeldt.
					\$350,475	

Amount received on above sales, as per receipt of Richard Roman, Treasurer of State, on file in this office, \$72,622 44.

What expenses of this Board since report of November 1. ultimo, to date, as per vouchers on file in your office, \$11,193 16.

*List of Purchasers, and amount paid by them in sale of March 9 and 10, 1854.*

<i>In block bounded by Jackson, Oregon, Davis, and Front streets.</i>			
Lot 23	Solomon Heydenfeldt,	\$1,200	\$215 00
24	J. Nee'us,	850	490 00
25	Solomon Heydenfeldt,	950	
26	Emerie, Tams, & Co.,	2,800	280 00
27	Charles C. Bowman,	1,550	
28	Do.	1,350	
29	Do.	1,300	636 00
30	Do.	1,250	
31	W. H. Middleton,	1,350	140 00
32	John Satterlee,	1,900	1,127 25
33	W. H. Talmage,	1,550	1,051 00
34	Do.	1,550	
35	Do.	1,700	
36	Henry Casement,	1,600	300 00
37	Eugene Crowell,	4,500	450 00
38	S. C. Hastings,	2,000	
39	Do.	2,000	
40	W. Probasco,	1,850	228 00
41	Pollock,	1,700	
42	Do.	3,000	528 00
43	H. Casement,	1,225	
44	W. H. Talmage,	1,125	
45	Do.	1,050	
46	Do.	900	
47	John Satterlee,	1,500	
48	James Clinton,	1,900	190 00
49	J. E. Higgins,	2,025	200 00
<i>Block bounded by Jackson, Oregon, Drum, and Davis streets.</i>			
12	Palmer, Cook, & Co.,	2,800	
13	Do.	2,000	
14	Do.	2,200	
15	Charles Wheeler, (not taken)	3,000	
16	Do. Do.	5,200	
17	Nefus,	2,500	
18	R. Buck,	2,550	
19	E. H. Tharp and E. J. Ramsdell,	2,100	
20	Do. Do.	2,100	
21	R. Buck,	2,700	
22	Isaac N. Thorn,	4,000	1,000 00
23	Do.	2,500	
24	Sharp & Broadie,	2,200	220 00
25	A. J. Ellis,	3,000	300 00
26	R. Buck,	2,000	
27	E. H. Tharp and A. J. Ramsdell,	1,800	766 00
28	Do. Do.	1,700	
29	John C. Hays and Ira Munson,	1,700	176 00
30	Nefus,	1,550	
Amount carried forward,		\$84,275	\$8,297,00

MAY 5.]

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	Amount brought forward, - -	\$84,275	\$8,297 00
	<i>Block bounded by Oregon, Washington, Drum, and Davis streets.</i>		
Lot 1	Messrs. Beard & Hopkins, - - -	5,250	3,508 22
2	Do. - - -	2,900	
3	Do. - - -	2,600	
4	Do. - - -	2,400	
5	Do. - - -	2,450	
6	Do. - - -	2,300	
7	Do. - - -	2,200	
8	Do. - - -	2,300	
9	Do. - - -	2,300	
10	Do. - - -	4,300	
11	Do. - - -	5,000	
	<i>*In block bounded by Jackson, Oregon, Drum, and East streets.</i>		
1	W. H. Talmage, - - -	2,600	
2	J. A. Woerber, - - -	2,000	200 00
3	S. C. Hastings and E. J. Moore, - - -	2,050	205 00
4	Do. - - -	3,000	1,257 40
5	Do. - - -	2,400	
6	Do. - - -	1,300	
7	Do. - - -	1,350	
8	J. A. Woerber, - - -	1,600	340 00
9	Do. - - -	1,800	
10	Rider, - - -	1,500	
11	H. O. Dinnell, - - -	1,200	132 00
12	T. R. Johnson, (not taken,) - - -	1,525	
13	" - - -	7,800	
14	" - - -	9,200	
	<i>In block bounded by Oregon, Washington, Drum, and East streets.</i>		
1	Messrs. Beard & Hopkins, - - -	2,700	
2	Do. - - -	2,100	
3	Do. - - -	2,550	
4	Do. - - -	4,500	
5	Do. - - -	1,800	
6	Do. - - -	1,900	
7	Do. - - -	1,900	
8	Do. - - -	1,500	
9	Do. - - -	1,400	
10	Do. - - -	1,900	
11	Do. - - -	2,000	
12	Do. - - -	1,300	
13	Do. - - -	1,400	
14	Do. - - -	1,900	
15	Do. - - -	2,100	
16	Do. - - -	1,750	
17	Do. - - -	2,300	
18	Do. - - -	2,800	
19	Do. - - -	2,200	
20	Do. - - -	2,200	
21	George Stader, (not taken,) - - -	4,000	
22	Do. " - - -	6,100	
	Amount carried forward, - -	\$219,000	\$18,989.07



	Amount brought forward, - -	\$219,000	\$13,939 97
	<i>Block bounded by Broadway, Pacific, Sansome, and Battery streets.</i>		
Lot 32	Mr. Wheeler, (not taken,) - - -	1,300	
	<i>Block bounded by Broadway, Pacific, Front, and Battery streets.</i>		
25	Palmer, Cook, & Co., - - -	6,500	
26	Do. - - -	3,700	
27	Do. - - -	3,800	
	<i>Southeast corner Battery street and Broadway.</i>		
30	Hall McAllister, - - -	1,000	
	Sum total, - - -	<u>\$235,300</u>	<u>\$13,939 97</u>

Mr. Musser introduced a bill for an Act to alter the time of electing County Officers of Trinity county.

Read first and second time and referred to select committee composed of one from Placer, Nevada, Klamath and Trinity counties, with instructions to report on to-morrow.

Messrs. Whipple, Musser, Fairfield and Burton were appointed said committee. The hour of 11 o'clock. There being two special orders for that hour,

Mr. Ashley moved to go into the consideration of Assembly bill No. 53, which was the Fee bill.

Mr. O'Neil moved to consider Assembly bill No. 272, in reference to the Water front of San Francisco.

Mr. Bostwick moved to make the bill No. 272, the special order for Wednesday next at 11 o'clock.

Mr. French moved to amend the motion of Mr. Bostwick by inserting Tuesday instead of Wednesday.

Mr. Conness moved the previous question.

The previous question was sustained.

The motion of Mr. French to amend the motion of Mr. Bostwick,

Was not agreed to.

The question was then put upon the motion made by Mr. Bostwick to make the special order,

And adopted.

The House then proceeded to consider Assembly bill No. 53, in Committee of the Whole, Mr. Van Cleft in the chair.

After spending some time in its consideration and amending the same,

On motion, the committee rose and were discharged.

Mr. Ashley moved a call of the House, and

Messrs. Conness, Carr and Stowe demanded the yeas and nays.

#### YEAS.

Messrs. Ashley, Ballou, Bennett, Bowie, Carr, Conness, Godard, Gordon, Griffith, Hagans, Hastings, Hubert, Hunt, Hunter, Jones, Letcher, Musser, McDonald, McDuffie, McGee, Noel, Spencer, Springer, Stowe, Tallmadge, Warmcastle and Watkins—28.

#### NAYS.

Messrs. Anderson, Briggs, Burton, Clingan, Cornwall, Ewer, Fairfield, French, Gilbert, Herbert, Korr, Hubbard, Irwin, James, Kellogg, Mandeville, Myres, McDaniel, McKinney, Nichols, O'Neil, J. W. Park, Pratt, Purdy, Ring, Stevenson, Sweetland, Tivy, Van Cleft, Whitman and Mr. Speaker—31.

So the House refused to sustain the call.

Mr. Hubbard moved to strike out the enacting clause, and demanded the previous question.

Mr. Conness moved to lay the bill on the table, and

Messrs. Conness, Stowe and Carr demanded the yeas and nays.

#### YEAS.

Messrs. Anderson, Ashley, Ballou, Bennett, Bowie, Carr, Clingan, Conness, Cornwall, Ewer, Gilbert, Gordon, Griffith, Hagans, Hastings, Henry, Hubert, Hunt,

Hunter, Letcher, Lindsey, Musser, McDonald, McDaniel, McGee, Nichols, Noel, Spencer, Springer, Stowe, Tallmadge, Tivy, Warmcastle, Watkins and Whitman—35.

## NAYS.

Messrs. Bagley, Briggs, Burton, Dannels, Fairfield, French, Godard, Herbert, Hoff, Hollister, Horr, Hubbard, Irwin, James, Jones, Kellogg, Mandeville, Myres, McDuffie, McKinney, O'Neil, F. A. Park, J. W. Park, Pratt, Purdy, Ring, Rowan, Stevenson, Sweetland, Van Cleft and Mr. Speaker—31.

So the bill was laid on the table.

Mr. Nichols moved to reconsider the vote just taken to lay the bill on the table.

Mr. Van Cleft moved to indefinitely postpone the motion to reconsider, and Messrs. Conness, Warmcastle and Nichols demanded the yeas and nays.

## YEAS.

Messrs. Anderson, Bagley, Briggs, Clingan, Fairfield, French, Gilbert, Godard, Herbert, Hoff, Hollister, Horr, Hubbard, Irwin, James, Kellogg, Koll, Mandeville, Myres, McKinney, Nichols, O'Neil, F. A. Park, J. W. Park, Pratt, Purdy, Ring, Rowan, Stevenson, Sweetland, Van Cleft and Mr. Speaker—32.

## NAYS.

Messrs. Ashley, Ballou, Bennett, Bostwick, Bowie, Bradford, Burton, Carr, Conness, Cornwall, Dannels, Ewer, Gordon, Griffith, Hagans, Henry, Hubert, Hunt, Hunter, Jones, Letcher, Lindsey, Musser, McDonald, McDuffie, McDaniel, McGee, Noel, Spencer, Springer, Stowe, Sweasey, Tallmadge, Tivy, Warmcastle, Watkins and Whitman—37.

So the House refused to indefinitely postpone the motion to reconsider.

Mr. Mandeville moved to lay the motion to reconsider on the table,

And Messrs. Conness, Bagley and Ballou, demanded the yeas and nays.

Mr. Nichols moved to indefinitely postpone the motion to lay on the table.

Mr. Godard moved to adjourn,

And Messrs. Conness, Ballou and Letcher, demanded the yeas and nays.

## YEAS.

Messrs. Anderson, Bagley, Briggs, French, Gilbert, Godard, Hoff, Hubbard, Irwin, James, Koll, Mandeville, Myres, McKinney, Nichols, O'Neil, J. W. Park, Whitman and Mr. Speaker—19.

## NAYS.

Messrs. Ashley, Ballou, Bennett, Bostwick, Bowie, Bradford, Burton, Carr, Clingan, Conness, Cornwall, Dannels, Ewer, Fairfield, Gordon, Griffith, Hagans, Henry, Herbert, Hollister, Horr, Hubert, Hunt, Hunter, Jones, Kellogg, Letcher, Lindsey, Musser, McDonald, McDuffie, McDaniel, McGee, Noel, F. A. Park, Pratt, Purdy, Rowan, Spencer, Springer, Stevenson, Stow, Sweasey, Sweetland, Tallmadge, Tivy, Van Cleft, Warmcastle, Watkins and Whipple—49.

So the House refused to adjourn.

Mr. Conness raised a question of order, contending that the motion to indefinitely

postpone made by Mr. Nichols was not in order, inasmuch as it was a privileged question which was proposed to be indefinitely postponed.

The Speaker decided the question in order, as a question of a similar character had just been taken by the House.

From which decision Mr. Conness appealed, and on the appeal Messrs. Conness, Nichols and J. W. Park demanded the yeas and nays.

## YEAS.

Messrs. Anderson, Bagley, Briggs, Burton, Dannels, Fairfield, French, Gilbert, Godard, Henry, Herbert, Hoff, Hollister, Horr, Hubbard, Irwin, James, Kellogg, Koll, Lindsey, Mandeville, Myres, McDuffie, McDaniel, McKinney, Nichols, O'Neil, F. A. Park, J. W. Park, Pratt, Purdy, Ring, Rowan, Stevenson, Van Cleft and Whitman—36.

## NAYS.

Messrs. Ashley, Ballou, Bennett, Bostwick, Bowie, Bradford, Carr, Clingan, Conness, Cornwall, Ewer, Gordon, Griffith, Hagans, Hoyt, Hubert, Hunt, Hunter, Jones, Letcher, McDonald, Noel, Spencer, Springer, Stowe, Sweasey, Sweetland, Tallmadge, Tivy, Warmcastle and Watkins—31.

So the decision of the Chair was sustained.

Mr. Hubbard moved the previous question.

The previous question was sustained.

Upon the motion to indefinitely postpone the motion to lay the motion to reconsider on the table, Messrs. Conness, Carr and Hunter demanded the yeas and nays :

## YEAS.

Messrs. Anderson, Bagley, Briggs, Clingan, Dannels, Fairfield, French, Gilbert, Godard, Herbert, Hoff, Hollister, Horr, Hubbard, Irwin, James, Kellogg, Koll, Lindsey, Mandeville, Myres, McKinney, Nichols, O'Neil, F. A. Park, J. W. Park, Pratt, Purdy, Ring, Rowan, Stevenson, Sweetland, Van Cleft and Mr. Speaker—34.

## NAYS.

Messrs. Ashley, Ballou, Bennett, Bostwick, Bradford, Burton, Carr, Conness, Cornwall, Ewer, Gordon, Griffith, Hagans, Hastings, Henry, Hoyt, Hubert, Hunt, Hunter, Jones, Letcher, McDonald, McDuffie, McDaniel, McGee, Noel, Spencer, Springer, Stowe, Sweasey, Tallmadge, Tivy, Warmcastle, Watkins and Whitman—35.

So the motion to indefinitely postpone was lost.

The question then recurred upon the motion to lay the motion to reconsider on the table, and Messrs Conness, Tallmadge and Carr demanded the yeas and nays.



## YEAS.

Messrs. Anderson, Bowie, Bradford, Briggs, Fairfield, French, Gilbert, Herbert, Hoff, Hollister, Horr, Hubbard, Irwin, James, Kellogg, Koll, Mandeville, Myres, McDaniel, McKinney, Nichols, O'Neil, F. A. Park, J. W. Park, Pratt, Purdy, Ring, Rowan, Stevenson, Sweetland, Van Cleft and Mr. Speaker—32.

## NAYS.

Messrs. Ashley, Bagley, Ballou, Bennett, Bostwick, Burton, Carr, Conness, Cornwall, Dannels, Ewer, Godard, Gordon, Griffith, Hagans, Henry, Hoyt, Hubert, Hunt, Hunter, Jones, Letcher, Lindsey, McDonald, McDuffie, McGee, Noel, Spencer, Springer, Stowe, Sweasey, Tallmadge, Tivy, Warmcastle, Watkins and Whitman—36.

So the motion to lay on the table was lost.

The question then recurred upon the motion to reconsider the vote which laid the bill on the table, which was agreed to by the following vote, Messrs. Conness, Springer and McDonald demanding the yeas and nays :

## YEAS.

Messrs. Ashley, Ballou, Bennett, Bostwick, Bowie, Bradford, Burton, Carr, Conness, Cornwall, Dannels, Ewer, Godard, Gordon, Griffith, Hagans, Hastings, Hoyt, Hubert, Hunt, Hunter, Jones, Letcher, Lindsey, Musser, McDonald, McDuffie, McGee, Noel, F. A. Park, Spencer, Springer, Stowe, Sweasey, Sweetland, Tallmadge, Tivy, Van Cleft, Warmcastle, Watkins and Whitman—41.

## NAYS.

Messrs. Anderson, Bagley, Briggs, Fairfield, French, Gilbert, Henry, Herbert, Hoff, Hollister, Horr, Hubbard, Irwin, James, Kellogg, Koll, Mandeville, Myres, McDaniel, McKinney, Nichols, O'Neil, J. W. Park, Pratt, Purdy, Ring, Rowan, Stevenson and Mr. Speaker—29.

Mr. Conness then withdrew his motion to lay the bill upon the table.

The vote was then taken upon striking out the enacting clause, and was lost, (Messrs. Conness, Ewer and Bradford demanding the yeas and nays,) by the following vote :

## YEAS.

Messrs. Anderson, Briggs, Dannels, Fairfield, Gilbert, Godard, Herbert, Hoff, Hollister, Horr, Hubbard, Irwin, James, Kellogg, Koll, Mandeville, Myres, McKinney, Nichols, O'Neil, F. A. Park, Pratt, Purdy, Ring, Rowan, Springer, Stevenson, Sweetland, Van Cleft, Whipple and Mr. Speaker—31.

## NAYS.

Messrs. Ashley, Bagley, Ballou, Bennett, Bostwick, Bowie, Bradford, Burton, Carr, Clingan, Conness, Cornwall, Ewer, Gordon, Griffith, Hagans, Hastings, Henry, Hoyt, Hubert, Hunt, Hunter, Jones, Letcher, Lindsey, McDonald, McDuffie,

fe, McDaniel, McGee, Noel, J. W. Park, Spencer, Stowe, Sweasey, Tallmadge, Tivy, Warmcastle, Watkins and Whitman—39.

Mr. Jones moved to concur generally in the amendments made in Committee of the Whole.

Agreed to.

On ordering the bill to be read a third time, Messrs. Mandeville, Conness and Van Cleft demanded the yeas and nays :

## YEAS.

Messrs. Ashley, Ballou, Bennett, Bostwick, Bowie, Carr, Conness, Cornwall, Dannels, Gilbert, Godard, Gordon, Griffith, Hagans, Hoyt, Hubert, Hunt, Hunter, Jones, Kellogg, Letcher, McDonald, McDuffie, McGee, Noel, F. A. Park, Springer, Stowe, Sweasey, Tallmadge, Tivy, Warmcastle, Watkins and Whitman—34.

## NAYS.

Messrs. Anderson, Bagley, Bradford, Briggs, Burton, Clingan, Ewer, Fairfield, Hastings, Henry, Herbert, Hoff, Hollister, Horr, Hubbard, Irwin, James, Koll, Lindsey, Mandeville, Myres, McDaniel, McKinney, Nichols, O'Neil, J. W. Park, Pratt, Purdy, Ring, Rowan, Spencer, Stevenson, Sweetland, Van Cleft, Whipple and Mr. Speaker—36.

So the House refused to have the bill read a third time.

Mr. Herbert moved to print 240 copies of Senate bill No. 180, in reference to the Judiciary of the State.

Agreed to.

Mr. Bradford gave notice that he would move on to-morrow to reconsider the vote which refused to read the bill a third time.

Mr. Tivy, chairman, made the following report :

The Joint Committee on Enrolled Bills have examined, and find correctly enrolled, the following Acts, viz :

An Act relative to transferring actions and proceedings from one court to another court.

An Act to give jurisdiction to the District Court, County Courts and Justices Courts in Plumas county in certain cases.

An Act for a special term of the District Court in the county of Placer.

An Act to provide for the erection of a Jail in the county of Monterey.

An Act supplementary to an Act to exempt Firemen from Militia Service and Jury Duty, passed March 25, 1853.

An Act to change the name of George Davenport Parmalee to that of George Curtis Currie.

On motion of Mr. O'Neil, the House adjourned until 10 o'clock to-morrow.

## HOUSE OF ASSEMBLY.

SATURDAY, May 6, 1854.

House met pursuant to adjournment.

The roll was called, and the following members were absent :

Messrs. Bagley, Clingan, Cornwall, Davidson, Gilbert, Godard, Green, Hubeat, Irwin, Musser, Myres, McBrayer, McDuffie, Nichols, F. A. Park, Rowan, and Mr Speaker.

The Journal of Friday was read and approved.

On motion, leave of absence was granted to Mr. Davidson for two days.

The following message was received from the Governor :

I have this day approved an Act which originated in the Assembly, entitled  
An Act amendatory to the Act incorporating the city of Marysville, and to all Acts supplementary and amendatory to the same.

JOHN BIGLER.

Mr. Fairfax introduced a bill for an Act to compensate H. Gomez Mauriz, for translating into Spanish and engrossing certain Legislative documents.

Read first and second time, and referred to Committee on Claims.

Mr. Whipple introduced a bill for an Act to fund the Debt of the County of Klamath, and provide for the payment thereof.

Read first and second time, and referred to Klamath delegation.

Mr. Ashley introduced a bill for an Act to abolish the Board of Supervisors in the county of Monterey, and to confer the jurisdiction over county business upon the Court of Sessions.

Read first and second time, and referred to delegation from Monterey.

The following message was received from the Senate :

I am instructed to inform the Assembly that the Senate passed yesterday,

Assembly Concurrent Resolution "Relative to the reception and distribution of certain State Maps."

Assembly bill for "An Act to prevent the destruction of fish in the waters of Stockton slough and Mormon slough, in San Joaquin county." And,

Assembly bill for "An Act to provide offices for certain county officers in the county of Sacramento."

Senate bill for "An Act to incorporate the town of Placerville."

And a bill for "An Act to authorize the Comptroller of State to issue duplicate warrants to Smith, Brothers, & Co."

All of which is respectfully submitted

JOHN Y. LIND,

Secretary

Senate bill No. 184, an Act to incorporate the town of Placerville.

Read first, second and third time, and passed.

Senate bill No. 181, an Act to authorize the Comptroller of State to issue duplicate warrants to Smith, Brothers & Co.

Read first and second time and referred to Committee on Claims.

The following message was also received from the Senate.

I am instructed to inform the Assembly, that on yesterday, the Senate concurred in Assembly's resolution of instruction to the Attorney General in relation to the books, papers, &c., belonging to the office of the Surveyor General, with an amendment as therein shown.

And, also, adopted resolutions of instruction to Representatives in Congress relative to refunding of duties on goods destroyed by fires,

Which are herewith respectfully reported.

JOHN Y. LIND, Secretary.

Senate amendment to Assembly Concurrent Resolution, in relation to the Surveyor General.

Concurred in.

Senate Concurrent Resolution in relation to goods destroyed by fire,

Adopted by the Assembly.

The following message was also received from the Senate.

I am instructed to inform the Assembly that the Senate passed yesterday the following Assembly Bill, for "An Act to appropriate money to enable the Trustees of the Insane Asylum to erect an additional building, and to enclose the grounds belonging to the Asylum," and Senate Bill for "An Act to amend an Act entitled an Act to provide for the formation of Corporations for certain purposes," passed April 14, 1853, so as to make the same applicable to the incorporation of Transportation Companies.

Which are herewith respectfully submitted.

JOHN Y. LIND,  
Secretary.

Senate Bill No. 170, an Act to provide for Corporations.

Read first and second time and referred to a select committee, of which Mr. Hoff chairman.

Assembly Joint Resolution No. 325, in relation to the emigration of Coolies and others.

Read second time and referred to Committee on Federal Relations.

Assembly bill No. 328, an Act to amend an Act concerning fees in office, passed May 1, 1854.

Read second time and referred to delegation from Humboldt County.

Assembly bill No. 323, an Act to authorize the Comptroller of State to issue a duplicate Warrant to S. N. Langton.

Read second time and referred to Committee of Ways and Means.

Assembly bill No. 326, an Act to change the name of Mary Elizabeth McGreece Mary Elizabeth Hastings.

Read second time and referred to San Francisco delegation.

Mr. Gordon moved to reconsider the vote which referred the bill to San Francisco delegation.

Vote reconsidered.



Mr. Sweasey moved to refer the bill to the Judiciary Committee.

Not agreed to.

Mr. Ashley moved to refer the bill to the delegation from Solano.

Agreed to.

Assembly bill No. 318, an Act to protect mining interests and to prevent excessive emigration from Asia to the State of California.

Read second time and referred to Committee on Mines and Mining Interests.

Assembly bill No. 314, an Act to provide for the measurement of merchandise arriving in the port of San Francisco.

Read second time and referred to Committee on Commerce.

Assembly bill No. 322, an Act for the relief of John F. Hays.

Read first and second time and referred to Committee of the Whole, and made the special order for Tuesday next.

Assembly bill No. 319, an Act to authorize the construction of a Wharf into the Bay of San Leandro, at the mouth of San Leandro creek, in the county of Alameda.

Amended, considered as engrossed, read a third time and passed.

Senate bill, No. 147, an Act to regulate the payment by the State Treasurer of the warrants of the Comptroller of this State.

Read a second time and referred to Committee on accounts and Expenditures.

The following message was received from the Senate :

I am directed to inform the Assembly that the Senate passed yesterday a concurrent resolution in reference to cheap ocean postage, which is respectfully presented.

JOHN Y. LIND,

Secretary of Senate.

Concurrent Resolution above reported concurred in by the House.

The Speaker laid before the House a communication from the Managers of the Orphan Asylum at San Francisco.

The communication was read.

Mr. McKinney introduced a bill for an Act appropriating money for the use and relief of the Ladies' Asylum in the city of San Francisco.

Read first and second time and referred to Committee of Public Expenditures and Accounts.

Assembly bill No. 88, an Act concerning legal proceedings in favor of, and against counties, on its third reading;

Mr. Dannels moved to strike out the enacting clause of the bill.

Agreed to.

Amendments heretofore offered to the first standing rule of the House by Mr. Bostwick, under consideration.

Mr. O'Neil moved to lay the motion on the table.

Not agreed to.

Mr. Bradford moved to amend by striking out half past nine and insert ten o'clock.

Mr. Gordon moved the previous question.

The previous question was sustained.

The motion made by Mr. Bradford, was then put and lost.

The vote was then taken upon the original motion of Mr. Bostwick by yeas and nays.

Messrs. Ashley, Stemmons and Whitman demanding the same.

## YEAS.

Messrs. Ashley, Ballou, Bennett, Bostwick, Bradford, Briggs, Burton, Conness,annels, Ewer, Fairfield, Gordon, Hagans, Hastings, Henry, Hoff, Hollister, Hoyt,unt, Hunter, Jones, Kellogg, Koll, Letcher, Mandeville, Musser, McDonald,cDaniel, McGee,, Noel, Pratt, Spencer, Springer, Stemmons, Stevenson, Stowe,weasey, Tivy, Van Cleft, Warmcastle and Watkins—41.

## NAYS.

Messrs. Anderson. Bagley, Bowie, Carr, Clingan, Cornwall, Gilbert, Godard,reen, Griffith, Herbert, Horr, Hubbard, Hubert, Irwin, Lindsey, Myres, McBray-e, McDuffie, McKinney, Nichols, O'Neil, J. W. Park, Purdy, Rowan, Sweetlandand Whitman—27.

It requiring a two-third vote to change a standing rule of the House,  
The motion was lost.

Mr. Ashley moved to reconsider the vote just taken.

Not agreed to.

Proposed amendments to the Constitution taken up, and

On motion of Mr. Bradford, they were made the special order of the day for  
Thursday next at 12 o'clock.

The following report heretofore made by the Committee on Railroads, was taken  
up for consideration.

MR. SPEAKER :

The Joint Select Committee of the Senate and Assembly, to whom was referred  
Assembly bill No. 187, for an Act to amend an Act entitled an Act to provide for  
the incorporation of Railroad Companies, passed April 22, 1853, with instructions  
to incorporate the same in Assembly bill No. 188, for an Act amendatory of an Act  
to provide for the incorporation of Railroad Companies, passed April 22, 1853, have  
had both of these bills under consideration, and beg leave to make the following  
report :

Notwithstanding we on a former occasion recommended the passage of the first  
one of these bills, we now, after having given it further consideration, recommend  
that it do not pass for the following reasons : First, The fifteenth section, of which  
this was amendatory, is amended by Assembly bill No. 188, which last named bill,  
with certain amendments as herein shown, we recommend the passage of.

We therefore recommend the passage of Assembly bill No. 188, for an Act  
amendatory of an Act entitled an Act to provide for the incorporation of Railroad  
Companies, passed April 22, 1853, with an additional section—add after the fifth  
section the following : " Section 6. Section twenty of said Act shall be so amended  
as to read as follows : The stock of such company shall be deemed personal estate,  
and when certificates of ownership of shares are issued, the same may be transferred  
by endorsement and delivery of the certificates thereof, such endorsement being by  
the signature of the proprietor or his attorney or legal representative ; but such  
transfer shall not be valid except as between the parties thereto, until the same shall  
have been entered in the ' Book of Stockholders,' as provided in the 19th section.  
The entry of transfer to be made in said book by written order either of the stock-  
holder himself or of his legal representative or of a probate or civil court. Prior  
to the issuing of certificates of stock, the shares may be transferred by a delivery of  
the receipt of instalments paid, and by an entry as aforesaid in the ' Book of Stock-  
holders.' Certificates of stock may at any time be issued by the company, on not

exceeding three-fourths of the amount actually paid into the treasury on the capital stock of said company.

JOHN T. CRENSHAW,  
Chairman of Senate Committee.

J. C. JONES,  
Chairman of Assembly Committee.

On motion of Mr. Jones, the House resolved itself into Committee of the whole. Mr. Dannels in the Chair, to consider Assembly bill No. 188, in reference to Rail Roads;

After spending some time in its consideration, and amending the same, on motion, the committee rose, reported the bill back as amended, and asked to be discharged from its farther consideration;

The committee was discharged.

Mr. Van Cleft moved to concur generally in the amendments made in committee of the whole;

Agreed to.

Mr. Jones moved the Previous Question;

The previous question was sustained.

The bill was considered as engrossed, read a third time and passed.

Mr. Bradford moved to defer action upon the business under consideration;

Agreed to.

Mr. Bradford gave notice that on Monday next he would introduce a bill for an Act to protect persons engaged in the manufacture of Soda Water.

Mr. O'Neil gave notice that on Monday next he would introduce a bill for an Act amendatory of the Fourth Article of an Act entitled, an Act to provide Revenue for the support of this State, passed May 18th, 1853.

Mr. Hoff gave notice that on Monday next he would introduce a bill for an Act to provide for the construction of a Telegraph Line from Stockton to the Southern mines.

An Act in relation to the office of Coroner.

Also, an Act for the relief of Henry Wahlgamath.

Mr. J. W. Park gave notice that on some future day he would introduce a bill for the relief of Gen. A. M. Winn.

Mr. James gave notice that on Monday next he would introduce a bill for an Act to increase the per diem of the Porters in both Houses of the Legislature.

Mr. Nichols gave notice that on Monday next he would introduce a bill in relation to State Prison Inspectors.

Mr. Bagley gave notice that on Monday next he would introduce the following bills:

An Act to amend the law in relation to the Harbor Masters' Office, in the city of San Francisco.

An Act in relation to the Charter of the city of San Francisco;

Also, an Act relative to State Prison labor.

Mr. McKinney gave notice that on Monday next he would introduce a bill for the relief of the city of San Jose.

Mr. Watkins gave notice that on Monday next he would introduce a bill for an Act to improve the Navigation of Alameda River.

Mr. Bagley made the following report:

The Delegation from San Francisco, to whom was referred Assembly bill, No. 317, an Act to create the office of Fire Coroner for the city of San Francisco, beg leave to report the bill back and recommend its passage.



The bill was considered as engrossed, read a third time and passed.

Mr. Warmcastle gave notice that on Monday next he will introduce a bill to regulate fees in office in certain Counties of this State.

Mr. Van Cleft moved to adjourn, and

Messrs. Stow, Bradford, and Bostwick, demanded the yeas and nays:

## YEAS.

Messrs. Anderson, Briggs, Fairfield, Green, Houghtaling, Hubbard, James, Kellogg, Mandeville, Myres, McDonald, O'Neil, Purdy and Van Cleft—14.

## NAYS.

Messrs. Ashley, Bagley, Ballou, Bennett, Bostwick, Bowie, Bradford, Burton, Conness, Cornwall, Dannels, Ewer, Gilbert, Griffith, Hastings, Hoff, Hollister, Horr, Hoyt, Hubert, Hunt, Hunter, Irwin, Jones, Koll, Letcher, McBrayer, McDaniel, McGee, McKinney, Nichols, Noel, F. A. Park, J. W. Park, Pratt, Springer, Stemmons, Stevenson, Stowe, Sweasey, Sweetland, Tivy, Warmcastle, Watkins and Whipple—48.

So the House refused to adjourn.

Mr. Nichols gave notice that he would on Monday introduce a bill to provide for the creation of a beef and pork inspector.

Mr. Bradford, pursuant to notice given on yesterday, moved to reconsider the vote by which the House refused to read Assembly bill, No. 53, "an Act to regulate fees in office," a third time.

Mr. Myres moved to indefinitely postpone the motion to reconsider.

Mr. Conness moved the previous question, which was sustained.

The motion of Mr. Myres to indefinitely postpone the motion to reconsider then came up, and Messrs. Myres, Griffith and O'Neil demanded the yeas and nays.

## YEAS.

Messrs. Anderson, Briggs, Dannels, Fairfield, Gilbert, Green, Hoff, Hollister, Horr, Houghtaling, Hubbard, Irwin, Kellogg, Koll, Mandeville, Musser, Myres, McBrayer, O'Neil, F. A. Park, J. W. Park, Pratt, Purdy, Ring, Stevenson, Sweetland, Van Cleft and Whipple—28.

## NAYS.

Messrs. Ashley, Bagley, Ballou, Bennett, Bostwick, Bowie, Bradford, Burton, Conness, Cornwall, Ewer, Griffith, Hastings, Hoyt, Hubert, Hunt, Hunter, Jones, Letcher, McDonald, McDaniel, McGee, Noel, Springer, Stemmons, Sweasey, Warmcastle and Watkins—28.

There being an equal number of votes the motion was lost.

The question then recurred upon the motion to reconsider, which was lost by the following vote, Messrs. Sweetland, Van Cleft and Fairfield demanding the yeas and nays.

## YEAS.

Messrs. Ashley, Ballou, Bennett, Bostwick, Bowie, Bradford, Burton, Conness,



Cornwall, Ewer, Gordon, Griffith, Hastings, Hoyt, Hubert, Hunt, Hunter, Jones, Letcher, McDonald, McDaniel, McGee, Noel, Springer, Stemmons, Sweasey, Warmcastle and Watkins—28.

## NAYS.

Messrs. Anderson, Bagley, Briggs, Dannels, Fairfield, Gilbert, Hoff, Hollister, Horr, Houghtaling, Hubbard, Irwin, James, Kellogg, Koll, Mandeville, Musser, Myres, McBrayer, O'Neil, F. A. Park, J. W. Park, Pratt, Purdy, Ring, Rowan, Stevenson, Sweetland and Van Cleft—29.

Mr. Bradford, chairman, made a report in reference to Swamp and Overflowed Lands, and without any action on the subject, on motion of Mr. Griffith, the bill and report was made the special order for Tuesday next at 12 o'clock.

Mr. Bradford gave notice that on Monday next he would move to reconsider the vote which made the amendments to the constitution the special order for Thursday next.

On motion of Mr. Irwin, the House adjourned until 10 o'clock on Monday next.

## HOUSE OF ASSEMBLY.

MONDAY, May 8, 1854.

House met pursuant to adjournment.

The roll was called and the following members were absent :

Messrs. Carr, Carrillo, Clingan, French, Gilbert, Green, Griffith, Herbert Hoff, Hollister, Horr, Hubert, Irwin, James, McDuffie, McKinney, Nichols, O'Neil and Mr. Speaker.

The Journal of Saturday was read, amended and approved.

On motion, leave of absence was granted to Mr. Hollister for four days.

Mr. Hunter introduced a bill for an Act giving a lien to Farmers and Rancheros upon stock ranches or pastured by them for hire.

Read first and second time and referred to Committee on Agriculture.

Mr. Bagley introduced a bill for an Act regulating the duties of Harbor Master, at the port of San Francisco.

Read first and second time and referred to Committee on Commerce.

Mr. Stevenson introduced a bill for an Act for the protection of securities.

Read first and second time and referred to Judiciary Committee.

Mr. J. W. Park introduced a bill for an Act for the relief of A. M. Winn.

Read first and second time and referred to Committee on Claims.

Mr. Bagley introduced a bill for an Act to re-incorporate the city of San Francisco.

Read a first and second time, and

Mr. Van Cleft moved to refer to Committee on Corporations.

Not agreed to.

Mr. Hubbard moved to refer the bill to the delegation from San Francisco.

Agreed to.

Mr. Ballou introduced a bill for an Act concerning Crimes and Punishments, passed April 22, 1850.

Read first and second time and referred to Judiciary Committee.

Mr. Ballou also introduced a bill for an Act entitled an Act to prohibit Lotteries, passed March 11, 1851.

Read first and second time and referred to Judiciary Committee.

Mr. Bradford introduced a bill for an Act for the relief of G. I. Slocum and others.

Read first and second time, and referred to delegation from San Joaquin, Santa Clara and Contra Costa counties.

On motion of Mr. Letcher, petition from the Citizens of Monterey, taken from the table, and

Referred to delegation from Monterey.

Mr. Myres made the following report :

The Judiciary Committee have had under consideration Senate bill No. 180, for "An Act amendatory of and supplementary to an Act entitled An Act concerning the courts of justice of this State, and Judicial Officers," passed May 19, 1853, and some of them recommend its passage with the accompanying amendments, and some of them don't.

On motion of Mr. Myres, the amendments made in Committee were concurred in by the House.

Mr. O'Neil moved to strike out the enacting clause of the bill, and

Messrs. Stow, Ashley, and O'Neil, demanded the yeas and nays.

#### YEAS.

Messrs. Anderson, Ashley, Bennett, Bowie, Burton, Cornwall, Ewer, Gordon, Hagans, Hastings, Henry, Houghtaling, Hunt, Hunter, Letcher, Lindsey, Mandeville, McDaniel, Noel, O'Neil, J. W. Park, Stemmons, Stowe, Watkins, Whipple, and Whitman—26.

#### NAYS.

Messrs. Bagley, Ballou, Bostwick, Bradford, Conness, Dannels, Fairfield, Griffith, Hoff, Horr, Hubbard, Hubert, James, Jones, Kellogg, Koll, Musser, Myres, McDonald, F. A. Park, Pratt, Purdy, Ring, Rowan, Spencer, Springer, Sweasey, Sweetland, Tallmadge, and Warmcastle—30.

So the House refused to strike out the enacting clause of the bill.

Mr. Stowe moved to recommit the bill to the Judiciary Committee, with instructions to incorporate with it a bill relative to Tenth Judicial District.

Mr. Whitman moved the previous question.

The previous question was sustained.

On the motion of Mr. Stowe, Messrs. Ring, Sweasey, and Purdy, demanded the yeas and nays.

## YEAS.

Messrs. Ashley, Bennett, Bowie, Bradford, Burton, Dannels, Ewer, Gordon, Hagans, Henry, Herbert, Houghtaling, Hunter, Jones, Kellogg, Letcher, Lindsey, Mandeville, McDaniel, Noel, O'Neil, J. W. Park, Stemmons, Stowe, Watkins, Whipple, and Whitman—27.

## NAYS.

Messrs. Anderson, Ballou, Bostwick, Briggs, Conness, Fairfield, Hastings, Hoff, Horr, Hoyt, Hubbard, Hubert, Hunt, James, Koll, Musser, Myres, McBrayer, McDonald, F. A. Park, Pratt, Purdy, Ring, Rowan, Spencer, Springer, Sweasey, Sweetland, and Warmcastle—29.

So the House refused to recommit the bill with instructions.

The bill was then read a third time, and upon its passage, Messrs. Ashley, Lindsey, and Stowe, demanded the yeas and nays:

## YEAS.

Messrs. Ballou, Bostwick, Briggs, Dannels, Fairfield, Hoff, Horr, Hoyt, Hubbard, Hubert, Koll, Musser, Myres, McDonald, F. A. Park, Pratt, Purdy, Ring, Rowan, Spencer, Springer, Sweetland, Warmcastle and Whipple—24.

## NAYS.

Messrs. Anderson, Ashley, Bennett, Bowie, Bradford, Burton, Conness, Cornwall, Ewer, Gordon, Hagans, Hastings, Henry, Hubert, Houghtaling, Hunter, James, Jones, Kellogg, Letcher, Lindsey, Mandeville, McBrayer, McDaniel, McGee, McKinney, Noel, O'Neil, J. W. Park, Stemmons, Stevenson, Stow, Sweasey, Watkins and Whitman—35.

So the House refused to pass the bill.

Mr. Herbert moved to reconsider the vote just taken.

Mr. Lindsey moved to indefinitely postpone the motion to reconsider.

Mr. Conness moved a call of the House.

The call was not sustained.

Mr. Conness moved to adjourn.

Not agreed to.

Mr. Whitman demanded the previous question.

Mr. Conness moved a call of the House, and

Messrs. Hubbard, Conness and Pratt, demanded the yeas and nays.

## YEAS.

Messrs. Bagley, Ballou, Bostwick, Conness, Dannels, Gilbert, Hoff, Horr, Hoyt, Hubbard, Hubert, Hunt, Irwin, James, Jones, Koll, Mandeville, Musser, Myres, McBrayer, McDonald, F. A. Park, Pratt, Purdy, Ring, Rowan, Spencer, Springer, Sweasey, Sweetland, Tallmadge, Warmcastle and Whipple—33.

## NAYS.

Messrs. Ashley, Bowie, Bradford, Briggs, Burton, Cornwall, Ewer, Gordon, Griffith, Hagans, Hastings, Henry, Herbert, Houghtaling, Hunter, Kellogg, Letcher, Lindsey, McDaniel, McGee, Noel, O'Neil, J. W. Park, Stemmons, Stevenson, Stowe, Watkins and Whitman—28.

So the call was sustained.

The roll was called and the following members were absent.

Messrs. Carr, Carrillo, Clingan, Fairfield, French, Green, Hollister, McBrayer, McDuffie, Nichols, Tivey and Van Cleft.

The Sergeant-at-Arms was dispatched after absent members.

Mr. Hubert moved to dispense with farther proceedings under the call.

Agreed to.

On the motion of Mr. Whitman for the previous question, Messrs. Stowe, Conness and Bradford demanded the yeas and nays.

## YEAS.

Messrs. Bagley, Ballou, Bostwick, Conness, Dannels, Gilbert, Godard, Hoff, Horr, Hoyt, Hubbard, Hubert, Hunt, Irwin, Koll, Musser, Myers, McBryer, McDonald, Noel, O'Neil, F. A. Park, Pratt, Purdy, Ring, Rowan, Spencer, Springer, Sweasey, Sweetland, Tallmadge, and Whipple—32.

## NAYS.

Messrs. Anderson, Ashley, Bowie, Bradford, Briggs, Burton, Cornwall, Ewer, Gordon, Griffith, Hagans, Hastings, Henry, Herbert, Houghtaling, Hunter, James, Jones, Kellogg, Letcher, Lindsey, Mandeville, McDaniel, McGee, McKinney, J. W. Park, Stemmons, Stevenson, Stowe, Tivy, Warmcastle, Watkins, and Whitman—35.

So the previous question was not sustained.

Mr. Hoyt moved to take a recess until 3 o'clock.

Not agreed to.

The motion to indefinitely postpone the motion to reconsider was then lost, (Messrs. Sweasey, Conness and Springer, demanding the yeas and nays,) by the following vote :

## YEAS.

Messrs. Anderson, Ashley, Bowie, Bradford, Burton, Cornwall, Ewer, Gordon, Hagans, Hastings, Henry, Herbert, Houghtaling, James, Jones, Kellogg, Letcher, Lindsey, Mandeville, McDaniel, McGee, Noel, O'Neil, J. W. Park, Stemmons, Stevenson, Stowe, Tivy, Watkins, and Whitman—30.

## NAYS.

Messrs. Bagley, Ballou, Briggs, Conness, Dannels, Gilbert, Godard, Griffith, Hoff, Horr, Hoyt, Hubbard, Hubert, Irwin, Koll, Musser, Myers, McBrayer, McDonald, McKinney, F. A. Park, Pratt, Purdy, Ring, Rowan, Spencer, Springer, Sweasey, Sweetland, Tallmadge, and Van Cleft—31.



Mr. Herbert withdrew his motion to reconsider,

And Mr. Conness renewed it.

Mr. Myres moved the previous question, which was sustained.

On the motion of Mr. Conness to reconsider the vote by which the bill was lost, Messrs. Conness, Springer and McDonald demanded the yeas and nays.

## YEAS.

Messrs. Bagley, Ballou, Briggs, Conness, Dannels, Fairfield, Gilbert, Godard, Griffith, Hoff, Horr, Hoyt, Hubbard, Hubert, Irwin, Koll, Musser, Myres, McBrayer, McDonald, McKinney, F. A. Park, Pratt, Purdy, Ring, Rowan, Spencer, Springer, Sweasey, Sweetland, Tallmadge, and Warmcastle—32.

## NAYS.

Messrs. Anderson, Ashley, Bennett, Bowie, Bradford, Burton, Cornwall, Ewer, Gordon, Hagans, Hastings, Henry, Herbert, Houghtaling, James, Jones, Kellogg, Letcher, Lindsey, Mandeville, McDaniel, McGee, Noel, O Neil, J. W. Park, Stemmons, Stevenson, Stowe, Tivey Watkins, and Whitman—31.

So the vote was reconsidered.

Mr. Herbert moved a call of the House.

The call was not sustained.

Mr. Herbert moved to adjourn, and Messrs. Lindsey, Herbert and Watkins demanded the yeas and nays.

Mr. Myres raised a question of order, contending that the previous question being sustained it referred to the passage of the bill, and that the motion to adjourn was not in order.

The Speaker, Mr. Mandeville, in the chair, decided the question to be in order, stating that the previous question was sustained and the main question was the reconsideration of the vote which refused to pass the bill, stating that the bill was not before the House, until the vote should be reconsidered.

From which decision Mr. Myres appealed; and upon the appeal Messrs. Lindsey, Herbert and Myres demanded the yeas and nays.

## YEAS.

Messrs. Anderson, Ashley, Bennett, Bowie, Bradford, Burton, Cornwall, Ewer, Gordon, Hagans, Hastings, Henry, Herbert, Houghtaling, James, Jones, Kellogg, Letcher, Lindsey, McDaniel, McGee, McKinney, Noel, J. W. Park, Stemmons, Stevenson, Stowe, Tivey, Warmcastle, Watkins and Whitman—31.

## NAYS.

Messrs. Bagley, Ballou, Briggs, Conness, Dannels, Fairfield, Gilbert, Godard, Griffith, Hoff, Horr, Hoyt, Hubbard, Hubert, Irwin, Koll, Musser, Myres, McBrayer, McDonald, O'Neil, F. A. Park, Pratt, Purdy, Ring, Rowan, Spencer, Springer, Sweasey, Sweetland, Tallmadge and Van Cleft—32.

The decision of the Chair was overruled.

The vote recurring on the passage of the bill,

Messrs. Hubbard, Stemmons and Lindsey demanded the yeas and nays

## YEAS.

Messrs. Bagley, Ballou, Briggs, Conness, Dannels, Fairfield, Gilbert, Godard, Griffith, Herbert, Hoff, Horr, Hoyt, Hubbard, Hubert, Irwin, Koll, Musser, Myres, McBrayer, McDonald, McKinney, F. A. Park, Pratt, Purdy, Ring, Rowan, Spencer, Springer, Sweasey, Sweetland, Tallmadge, Van Cleft and Warmcastle—34.

## NAYS.

Messrs. Anderson, Ashley, Bennett, Bowie, Bradford, Burton, Cornwall, Ewer, Gordon, Hagans, Hastings, Henry, Houghtaling, James, Jones, Kellogg, Letcher, Lindsey, Mandeville, McDaniel, McGee, Noel, J. W. Park, Stemmons, Stevenson, Stowe, Tivy, Watkins and Whitman—29.

So the bill passed.

On motion of Mr. Conness the House took a recess until 3 o'clock, P. M.

THREE O'CLOCK, P. M.

House met pursuant to adjournment.

There being no quorum, Mr. Purdy moved to adjourn.

Not agreed to.

Mr. Whitman moved a call of the House.

Not agreed to.

Mr. Whipple moved to adjourn.

Not agreed to.

Mr. Conness moved a call of the House.

The call was sustained.

The roll was called and the following members were absent :

Messrs. Bagley, Briggs, Carr, Carrillo, Clingan, Cornwall, Dannels, Davidson, Dawley, French, Gilbert, Godard, Green, Griffith, Hagans, Hastings, Henry, Herbert, Hoff, Hollister, Horr, Hoyt, Hubert, Irwin, James, Lindsey, Musser, Myres, McBrayer, McDonald, McDuffie, McDaniel, McGee, McKinney, Nichols, F. A. Park, J. W. Park, Pratt, Ring, Springer, Stemmons, Tallmadge, Tivy and Van Cleft.

Messrs. Pratt, Hastings, Lindsey, Ring and Hoff appeared at the bar.

They were admitted and none of the members were excused.

Mr. Ewer moved to dispense with farther proceedings under the call.

Agreed to.

Mr. O'Neil, chairman, made the following report :

The Committee on Engrossment have examined and find correctly engrossed,  
An Act to authorize the construction of a Wharf into the Bay of San Leandro,  
at the mouth of San Leandro Creek, in the County of Alameda.

An Act to create the office of Fire Coroner for the city of San Francisco.

Mr. Ashley from the Judiciary Committee made the following report :

The Judiciary Committee have had under consideration Senate bill No. 77, entitled an Act in respect to Insurance for Lives for the benefit of married women ; also Senate bill No. 178, entitled an Act fixing the age of majority of males and females in this State ; also Senate bill No. 180, entitled an Act pre-

scribing the manner of commencing and maintaining suits by or against counties, the passage of which, severally, the committee recommend.

Assembly bill No. 48, entitled an Act in relation to an Act defining the time of commencing civil actions in certain cases, approved May 4, 1852; also Senate bill No. 120, entitled an Act declaring the consent of the State of California to the purchase by the United States of Signor or Mare Island, to relinquish the title and interest of the State in overflowed portions of said Island, and to vest the jurisdiction over the same in the United States, for the purposes therein specified, having been severally amended, the passage of the same is recommended as amended.

The Committee have also considered Assembly bill No. 280, entitled an Act creating Auctioneers and defining their duties; also Assembly bill No. 242, entitled an Act declaring the office of the District Judge of the Fourth Judicial District vacant, and recommend that said bills be severally rejected.

Senate bill No. 118, entitled an Act to authorize the Treasurer to issue duplicate Land Warrants to John D. Brower, is herewith reported back to the House without recommendation.

Senate bill No. 77, above reported, Mr. Myres moved to indefinitely postpone the bill.

Not agreed to.

Bill was then read a third time and passed.

Senate bill No. 178, An Act fixing the age of majority of males and females in this State.

Read a third time and passed.

Senate bill No. 130, An Act entitled an Act prescribing the manner of commencing and maintaining suits by or against counties

The bill amended, read a third time and passed.

Mr. Whitman moved to adjourn.

Not agreed to.

On motion of Mr. Myres, the title to Senate bill 130 was amended.

Assembly bill No. 48, An Act explanatory to an Act defining the time of commencing civil actions in certain cases, approved May 4, 1852.

Amendments offered by the Committee concurred in by the House.

The bill read a third time and passed.

On motion of Mr. Ashley, the title of the bill was amended.

Senate bill No. 120, An Act in reference to Mare Island, amended according to recommendation of the committee.

The bill read a third time and passed.

Assembly bill No. 280, An Act creating Auctioneers, and defining their duties.

Mr. Pratt moved to strike out all after the enacting clause, and insert—

Mr. Letcher moved a division of the question.

\* The vote was then taken, and all after the enacting clause stricken from the bill.

Mr. Pratt offered a substitute for that portion which was stricken out of the bill, and

Messrs. Whitman, Bennett, and Pratt, demanded the yeas and nays.

Mr. Stowe moved to strike out the enacting clause,

Mr. Conness raised a question of order, contending that as all after the enacting clause had been stricken out, there was nothing remaining for action.

Mr. Mandeville in the chair decided the motion in order.

From which decision Mr. Conness appealed.

The vote taken, and the Chair was sustained.

On the motion to strike out the enacting clause, Messrs. Stowe, Pratt, and Kellogg, demanded the yeas and nays.

Mr. Pratt withdrew his substitute.  
 Mr. Myres moved to lay the motion made by Mr. Stowe on the table.  
 Not agreed to.  
 Mr. Myres moved to postpone the motion to strike out the enacting clause until to-morrow at 12 o'clock.  
 Not agreed to.  
 Mr. Ewer moved to adjourn.  
 Not agreed to.  
 Mr. Conness moved to refer the subject to the Judiciary Committee.  
 Not agreed to.  
 Mr. Whitman moved the previous question.  
 The previous question was sustained.  
 The vote was then taken on striking out the enacting clause of the bill, Messrs. Stowe, Pratt and Kellogg having previously demanded the yeas and nays.

## YEAS.

Messrs. Anderson, Ashley, Bennett, Bradford, Burton, Cornwall, Ewer, Gordon, Griffith, Hagans, Hastings, Henry, Herbert, Hoff, Houghtaling, Hoyt, Hubbard, Hubert, Hunter, James, Letcher, Lindsey, Mandeville, McDaniel, McGee, McKinney, Noel, Rowan, Spencer, Stemmons, Stevenson, Stowe, Sweasey, Sweetland, Warinncastle, Watkins, Whipple and Whitman—38.

## NAYS.

Messrs. Bagley, Ballou, Bostwick, Conness, Dannels, Fairfield, Godard, Jones, Kellogg, Koll, Myres, McDonald, O'Neil, F. A. Park, Pratt, Purdy, Ring, Springer and Tallmadge—18.

So the enacting clause was stricken out.

Mr. Hubbard gave notice to move a reconsideration of the vote just taken on to-morrow.

Assembly bill No. 242, in reference to the Fourth Judicial District, reported back by the Judiciary Committee, on motion, was indefinitely postponed.

Senate bill No. 118, an Act to authorize the Treasurer to issue Duplicate Land Warrants to John D. Brower.

Read a third time and passed.

On motion of Mr. Hubbard, the following message from the Governor was read and 960 copies ordered to be printed :

EXECUTIVE DEPARTMENT,  
 Sacramento City, May 8, 1854. }

*To the Senate and Assembly of California :*

In my Annual Message to the Legislature, presented at the commencement of the present session, as required by the constitution, I recommended measures deemed essential to the general prosperity of the State—the preservation of her faith and credit, and the diminution of the onerous taxation which now weighs so heavily upon the energies and industry of the people.

The means then pointed out for the accomplishment of these highly important



and desirable objects were deemed ample and sufficient, and the hope indulged that these several measures proposed would have been fully consummated.

The various measures commended to your early and favorable consideration at that time are still approved, and deemed necessary to meet the wants and liquidate the debt of the State; and I, therefore, feel called upon again to urge upon you the great importance of favorable action, and to implore you, in the name of our common constituents, not to adjourn until necessary measures for their relief shall have been matured and adopted.

The time appointed by the two houses for final adjournment is rapidly approaching, and unless some efficient plan to meet the wants of the State be adopted on existing debt must remain another year, without provision being made for its liquidation, rendering necessary a continuance of the present exorbitant rates of taxation.

The most important of the measures there recommended, is the extension of the Water Front, of the city of San Francisco, and the sale, at public auction, of the lot within the same. It is believed that such an extension, while it would in no manner interfere with the rights or interests of the city of San Francisco, or be the least impediment to commerce, is demanded no less by the almost united voice of the people of California, than by the wants and necessities of the State.

That the title to this property is vested *alone* in the State, is no longer matter of doubt; and that it should be immediately placed at the disposal of her agents, and that the *entire proceeds* of all sales made, applied to the payment of the State debt, sufficiently demonstrated by the amount of that indebtedness, and the excessive taxation which is thereby rendered necessary to meet accruing demands upon the Treasury, and the interest falling due, semi-annually, upon our State Bonds.

A well matured plan for the extension of the Water Front, is, therefore, eminent demanded by the necessities of the State, and, it is believed, would be hailed by the people as a great and lasting benefit. During the late canvass there was no subject more freely discussed before, and among the people, throughout the various counties of the State, than that of extension, and none received from them a more cordial and unmistakeable endorsement.

I would, therefore, again commend to your immediate and favorable consideration this highly important measure, as one absolutely necessary to the present wants and future prosperity of the people and State of California.

Another subject which should command your immediate attention, is the selection of the balance of the five hundred thousand acres of land donated to the State by act of Congress, for school purposes, and also the lands granted for a seminary of learning and public buildings.

In order to secure the lands so donated, agents of the State should be authorized to make selections at the earliest practicable period; otherwise the State may lose if not entirely, at least to some extent, the benefits to be derived from their sales, and our system of Common Schools, now dependent solely upon the interest accruing upon the proceeds of the sales of these lands, be left unprovided for, at a time, to when it much needs aid and encouragement.

This exceedingly important subject should certainly receive favorable consideration at the present session. The amount of land donated for School purposes greatly exceeds the estimate presented in my annual message. The Secretary of the Interior, in a report made to the House of Representatives of the United States, on the 13th of February last, affirms that California, under an Act of March 3, 1851, which donates to the State the *sixteenth* and *thirty-sixth* sections for School purposes, is entitled to six millions seven hundred and nineteen thousand, three hundred and twenty-four acres. Add to this the five hundred thousand acres donated by the Act of 1841, for the same important object, and we have a total of seven million two hundred and nineteen thousand three hundred and twenty-four acres, which if disposed of at the rate of two dollars per acre, will yield the sum of fourteen millions four hundred and thirty-eight thousand six hundred and forty-eight dollars.

In addition to the above, the Act of 1853 donates forty-six thousand and eighty acres for a Seminary of learning, and six thousand four hundred acres for Public Buildings. Of the five hundred thousand acres, two hundred and sixty thousand remain to be selected. In all cases where the *sixteenth* and *thirty-sixth* sections were located before survey was made, and where there is no unoccupied domain in a township, the State is authorized to locate an equal amount in some other part of the State; so that by timely and vigorous exertions the whole amount of land donated by the several Acts of Congress can be secured to the State.

Judicious legislation for the protection of actual settlers on the public domain, is also a subject of deep interest to a large and enterprising portion of our fellow citizens, and, I trust, will receive favorable consideration before your adjournment. It is demanded by the wants of the people, and is rendered, by the present unsettled condition of land titles, necessary for the permanent welfare of the State.

As a necessary and practical measure of reform, I renew the recommendation to so amend the Constitution of the State, as to provide for biennial sessions of the Legislature, and the abolishment of certain Constitutional offices, which would diminish State expenditures, annually, in the aggregate, at least, three hundred thousand dollars.

Your attention is again particularly invited to this subject, with the hope that the judicious and necessary changes proposed may be approved by you before adjournment, and referred to the next Legislature, as required by the Constitution.

The existing Hospital system has been a source of heavy expenditure to the State, and a more economical plan, it is hoped and believed, can be adopted, without materially curtailing the benefits of these institutions.

Proper and immediate legislation is also demanded in order to secure the interest of the State in all escheated estates. The laws existing in relation thereto are vague and meagre in their provisions, and require amendment and revision to enable the agents of the State to institute proper proceedings for the recovery of all such estates. Three estates of this character have been brought to the notice of the Executive, the value of which, in the aggregate, amounts at least to two millions of dollars. The importance of this subject will of course commend itself to your early and favorable attention. In this connection I would also refer to the suggestions contained in the communication of the Attorney General, transmitted to the Legislature a few weeks since.

I would also again call your attention to the importance of immediately adopting measures to secure the presentation to Congress of all the information necessary to correct and favorable action on the part of the General Government in relation to the Civil Fund and War Debt. In regard to the latter, it is proper to state that the Board of Examiners appointed to settle war claims on the State some time since applied for an appropriation sufficient to enable them to have the vouchers and accounts arranged in proper form for transmission to our delegation in Congress, but up to this date no action has been taken in the premises. It is highly important that these papers should, without delay, be forwarded to Washington. The appropriation asked for, it is believed, will enable the Board of Examiners, to place the necessary accounts and vouchers at the disposal of our Congressional delegation, and in all probability secure the restoration, in full, of the Civil Fund and the assumption of the entire War Debt, at the present session of Congress.

Additional legislation is believed necessary to compel payment into the State Treasury of the per centage now authorized to be collected on all sales made at public auction. It is understood that the existing law is uniformly enforced, so far as the collection of the per centage is concerned, but, judging from the small amount of revenue derived from this source, it is inoperative as to its payment into the State Treasury. This per centage, it is proper to state, is in addition to the charges authorized to be made on such sales by Auctioneers, and if its payment into the Treasury cannot be enforced, the provision in the Revenue Act authorizing its col-

lection, in justice to the people, should at once be repealed. In this connection your attention is respectfully invited to the letter of the late Attorney General and Theo. Payne & Co., herewith transmitted.

More recently your attention has been called to the importance of modifying the several Acts on the Statute Book, "concerning corporations," so as to prevent the organization and existence of monopolies, to the restriction of trade, and the detriment of the whole people. These several laws require revision and amendment, and should receive careful and immediate consideration, while yet the evils complained of, are in their incipency, and within the proper and legitimate control of legislation.

These various measures, it is believed, have all been, more or less, subjects of examination and discussion on your part, and it is presumed, that their merits are now so fully understood, that it will require but little additional time to mature and pass upon them, and that it is not yet too late to mature those wholesome and statutory measures so imperiously demanded by the pressing wants and interests of the State of California.

Should you adjourn, however, without providing the means required to liquidate the debt of the State, as herein suggested, or by some other equally effective plan, the finances of the State will be left in the same critical condition as at your assembling, and the people, whom you represent, disappointed in their confident expectations, will justly regard the present Legislature, and the agents of the State, as having failed to accomplish the objects most desired by them.

It is, therefore, hoped that these considerations will induce united and prompt action for the relief of the State, ere a final adjournment shall leave us with a depleted Treasury and onerous taxation to struggle through another year of embarrassment. All these evils can be averted, and the credit of the State placed on a firm basis by the timely appropriation of those ample means at present within our reach, and to which your attention has heretofore, as now, been respectfully invited.

In connection with the foregoing suggestions, as well as those made in my Annual Message in relation to economy and reform, and providing the necessary means to liquidate the indebtedness of the State, it is deemed proper again to remind you that the constitution restricts the action of the Executive in these matters to a simple recommendation. Having once performed all that is required by the constitution, it was, perhaps, unnecessary for me again to refer to these several subjects, but impressed with the great importance of judicious legislation on all of them, before adjournment, I deem it my duty again respectfully to renew the recommendations then made, and to express the opinion that our common constituents, the people of California, at the date of your assembling, confidently anticipated that ample provision would be made during the present session for the payment of the existing State debt, that the expenditures of Government would be so far lessened as not to exceed the receipts into the Treasury, and that hereafter it would not be necessary to seek a market for the sale of depreciated evidences of State indebtedness.

All the measures above commended to your immediate and favorable consideration are regarded by me as eminently proper, and highly important to the whole people of the State, and, I trust, will each receive proper examination and meet with your approval before the present session shall have been brought to a termination.

In conclusion, permit me to express the hope that if my recommendations cannot be approved you will, before adjourning, devise and adopt other measures to protect the rights and interests of the people of California—secure the speedy payment of existing State indebtedness and justify a reduction of taxation.

JOHN BIGLER.



On motion of Mr. Bradford, the House dispensed with farther reports from Committees, to allow the introduction of bills.

Mr. Hoff introduced the following bills:

An Act concerning the office of Coroner.

Read first and second time, and referred to Judiciary Committee.

An Act to appropriate the moneys collected under the provisions of an Act to authorize the Court of Sessions of Tuolumne county to levy a tax for the support of the indigent sick.

Read first and second time, and referred to the Tuolumne delegation.

Also, an Act to provide for the construction of a telegraph line from Stockton to the southern mines.

Read first and second time, and referred to Committee on Corporations.

Mr. McKinney introduced a bill for the relief of the city of San Jose.

Read first and second time, and referred to Committee on Claims.

Mr. O'Neil introduced a bill for an Act in reference to the Journals of the Senate and Assembly.

Read first and second time, and referred to the Committee on Accounts.

A communication from the Clerk was read in connection with the above bill.

Mr. Watkins introduced "A bill to authorize the construction of a lock on the Alameda river."

Read first and second times, and referred to a select committee of three.

Messrs. Watkins, Letcher, and Noel, were appointed said committee.

Mr. Rowan introduced a bill requiring notice to be given of applications to the Legislature.

Read first and second times, and referred to Judiciary Committee.

Mr. Koll introduced a bill for the relief of Henry Wohlgamuth.

Read first and second times, and referred to Committee on Claims.

Mr. James introduced a bill to amend an Act concerning the *per diem* of officers of the Senate and Assembly, passed January 21, 1854.

Read first and second times, and on motion of Mr. Conness, referred to Committee on Expenditures and Accounts.

Mr. Whitman moved to adjourn.

Not agreed to.

Mr. Hubert moved to suspend the 21st Rule of the House, which requires at least one day's notice, or leave of two-thirds of the House, to introduce a bill.

Not agreed to.

On motion of Mr. Stowe, the House adjourned until 10 o'clock to-morrow.



## HOUSE OF ASSEMBLY

TUESDAY, May 9, 1854.

House met pursuant to adjournment.

The roll was called, and the following members were absent :

Messrs. Ashley, Bagley, Briggs, Carrillo, Clingan, French, Gilbert, Godard, Herbert, Hoff, Horr, Hubert, Irwin, Musser, McDuffie, McKinney, Nichols, Purdy, Rowan, Sweasey, Tivy, and Van Cleft.

The Journal of Monday was read, amended, and approved.

Mr. Bostwick made the following report :

The Committee on Corporations, to whom was referred Senate bill No. 177, an Act amendatory of an Act to amend an Act relating to Corporations, report the same back without amendment, and recommend its passage.

The bill was read a third time and passed.

Mr. McBrayer made the following report :

The Committee on Commerce and Navigation, to whom was referred Assembly bill No. 299, for an Act to authorize Frederick Kohler and Thomas H. Dowling to hold and occupy certain lands in the bay of San Francisco, beg leave to report the bill back, and recommend its passage.

They have also had under consideration Assembly bill No. 314, to provide an Act for the Measurement of Merchandise arriving at the port of San Francisco, and recommend its passage.

Assembly bill No. 299, above reported, on motion of Mr. Ashley, was amended

Mr. J. W. Park moved to strike out six months' notice, and insert one month.  
Not agreed to.

Mr. Hubert presented a remonstrance from citizens claiming to be the owners of the island, against the passage of the above bill.

Mr. J. W. Park offered an amendment in reference to the title of the property.  
Not agreed to.

The bill was read a third time, and upon its passage,

Messrs. Mandeville, Letcher and Green, demanded the yeas and nays :

YEAS.

Messrs. Ballou, French, Gilbert, Godard, Green, Hoff, Horr, Hoyt, Hubbard, Irwin, Kellogg, Koll, McDonald, Nichols, Pratt, Purdy, Ring, Rowan, Spencer, Springer, Tallmadge, Whitman, and Mr. Speaker—23.

## NAYS.

Messrs. Anderson, Ashley, Bostwick, Bradford, Burton, Carr, Carrillo, Conness, Cornwall, Dannels, Davidson, Ewer, Fairfield, Gordon, Hagans, Hastings, Houghling, Hubert, Hunt, Hunter, James, Letcher, Lindsey, Mandeville, McBrayer, McDaniel, McGee, Noel, J. W. Park, Stemmons, Sweasey, Sweetland, Warmistle, and Watkins—34.

So the bill did not pass.

Mr. McBrayer gave notice that on to-morrow he would move to reconsider the vote just taken.

Assembly bill No. 314, an Act to provide for the measurement of merchandise arriving in the port of San Francisco, on its third reading,

On motion of Mr. Conness, the House resolved itself into Committee of the Whole, Mr. O'Neil in the Chair, to consider the bill.

After spending some time in its consideration, and amending the same,

On motion of Mr. Hoyt, the committee rose, reported the bill back as amended, and the committee discharged.

Amendment made in Committee of the Whole concurred in by the House.

Mr. Noel moved to amend the bill by striking out from the word "upon" in the third line, to "measurement" in third line inclusive.

Adopted.

Mr. Conness moved to recommit the bill to the Committee on Commerce and Navigation, with instructions to report to-morrow.

Agreed to.

Mr. O'Neil, chairman, made the following report :

The Committee on Engrossment have examined and find correctly engrossed :

An Act amendatory of an Act entitled an Act to provide for the incorporation of Railroad Companies, approved April 22, 1853.

And also an Act explanatory to an Act defining the time of commencing Civil Actions in certain cases, approved May 4, 1852.

Mr. Hunt, chairman, made the following report :

The Committee on Military Affairs, to whom was referred Assembly bill No. 310, entitled an Act for the relief of Captain Harry Love ; have had the same under consideration, and beg leave to submit the following report :

Your committee, after taking considerable testimony from Messrs. Harvy, Sergeant-at-Arms of the Senate, McKinney and Herbert, of the Assembly, and McFarland, of the Senate, believes that the bill demands a due consideration by your body, and that it would be but an act of justice to refund to Captain Love a portion of the money expended by him for the benefit of the citizens of the State. Although there is no law to authorize the payment of this sum, your committee are confident that it will exert a beneficial influence upon, and tend to keep in check, other bands which may be formed in the State for similar purposes to that of Joaquin. That it is very expensive traveling in the mountains of this State no one not all acquainted with the country will deny, and that the small pittance of one hundred and fifty dollars per month would cover the necessary expenses of the commander of a company like that formed by Captain Love, cannot for the moment be expected. When it is known, that aside from the animals necessary for their own

use, they must have extra animals to carry their provisions and camp equipage, and believing, as your committee do, that it is but an act of generosity on the part of the people of this State to one of its noble citizens, would recommend that the bill do pass.

J. HUNT, Chairman Committee  
H. B. KELLOGG,  
GEO. McDONALD,  
J. M. McBRAYER,  
JOHN W. PARK.

On motion of Mr. Mandeville, the House resolved itself into Committee of the Whole, Mr. Ashley in the chair, to consider the bill above reported.

After spending some time in its consideration,

On motion of Mr. Mandeville, the committee rose, reported the bill back without amendment ;

And the committee was discharged.

The bill was then read a third time, and on its passage Messrs. Conness, Hoyt and Bostwick, demanded the yeas and nays.

Mr. Stowe demanded the previous question.

The previous question was sustained.

The vote was then taken by yeas and nays, having been previously called.

#### YEAS.

Messrs. Anderson, Bagley, Ballou, Bowie, Bradford, Briggs, Carr, Dannels, Davidson, Fairfield, French, Gordon, Green, Griffith, Henry, Herbert, Hoff, Horr, Houghtaling, Hubbard, Hubert, Hunt, Hunter, Kellogg, Koll, Myres, McBrayer, McDonald, McDaniel, McKinney, Nichols, Noel, O'Neil, J. W. Park, Purdy, Rowan, Spencer, Springer, Stemmons, Stowe, Sweetland, and Mr. Speaker—43.

#### NAYS.

Messrs. Bennett, Bostwick, Carrillo, Conness, Cornwall, Ewer, Gilbert, Godard, Hagans, Hoyt, Irwin, Letcher, Mandeville, McGee, Pratt, Tallmadge, Van Cleft, Warmcastle, Watkins, Whipple, and Whitman—22.

So the bill passed.

Mr. Herbert, on motion, had leave to change his vote given on yesterday upon the bill establishing an additional Judicial District in San Francisco.

The hour of 12 o'clock. The Speaker, Mr. Dannels, in the Chair, stated that the special order would be now taken up for action.

- Mr. Mandeville moved to pass over the special order for the present.  
Agreed to.

Mr. Stemmons, chairman, made the following report :

The Committee on Agriculture, to whom was referred a bill entitled an Act giving a lien to farmers and rancheroes on stock ranches by them for hire, beg leave to report the same back, and unanimously recommend its passage.

Bill on its third reading.

Mr. Bradford moved to strike out the words "in writing," first section  
Not agreed to.

Messrs. Conness and Stowe offered amendments to the bill, and without action, On motion of Mr. Mandeville the bill was recommitted to the Committee on Agriculture.

Mr. Griffith made the following report :

The Committee on Roads and Highways to whom was referred " Assembly bill to authorize Abraham Barnes and Felix Coones to build and construct a road and keep a ferry in the county of Yolo," propose amendments to the same and recommend its passage as amended.

Also, Assembly bill, No. 255, to authorize the construction of a wagon road from Shasta City to Weaverville, in Trinity county, and having amended the same report the bill back and recommend its passage as amended.

Also, a petition from citizens of El Dorado county, praying that Wm. Bartlett may have the right to collect toll upon a bridge in said county, and a petition remonstrating against the granting of the said right, and having considered the same recommend that the right to collect tolls upon said bridge do not be granted.

H. GRIFFITH,  
Chairman.

Also, Assembly bill. No. 327, for the protection of toll and other bridges in this State, without amendment, and recommend its passage.

Assembly bill to authorize Abraham Barnes and Felix Coones, and their associates to build a road.

The amendments offered by the Committee, concurred in by the House.

Bill read a third time and passed.

On motion of Mr. Griffith, the title of the bill was amended.

Assembly bill No. 255, an Act to authorize the construction of a wagon road from Shasta City to Weaverville, in Trinity county,

On motion of Mr. Conness the bill was amended.

The bill was read a third time and passed.

The report of the committee in reference to the petitions concurred in by the House.

Assembly bill No. 327, an Act for the protection of Toll and other Bridges in this State,

On its third reading.

Mr. Burton moved a call of the House.

The call was not sustained.

Mr. Van Cleft moved to take a recess until 3 o'clock.

Not agreed to.

Mr. McBrayer moved to indefinitely postpone the bill.

Not agreed to.

The bill was then read a third time and passed.

Mr. Hoyt moved to take a recess until 3 o'clock.

Not agreed to.

Mr. Hubbard made the following report :

The Committee on Public Buildings and Grounds, to whom was referred Assembly bill No. 276, have added a further proviso to section 12, and recommend that the bill, as amended, do pass.

Assembly bill No. 276, above reported,

On its third reading.



The amendments offered by the committee concurred in by the House.

The bill considered in Congress, read a third time and passed.

Mr. Wilson, chairman, reported that Assembly bill No. 126, an Act to equalize the most similar offices in Public Buildings in this State, and recommended a machiney postponement of the bill.

On motion of Mr. Williams the further reading of the bill was dispensed with.

Mr. Butler moved to recommend the bill to a special committee of three.

Mr. Williams moved to lay the bill on the table.

Agreed to.

Mr. Stevenson, from the Committee on Public Buildings and Grounds, made the following report:

The Committee on Public Buildings and Grounds to which was referred certain communications from the Executive and a report of the Public Survey, have sent copy to the Attorney General, requesting his opinion as to the validity of the title of said Survey, and up to this time have been unable to get his answer, therefore we report the said documents back, without recommendation, for the consideration of the House.

J. A. GREEN

T. A. STEVENSON

J. A. HUBBARD

On motion of Mr. Jones, the documents reported back were laid upon the table.

Mr. Butler moved to take a recess until 4 o'clock.

Not agreed to.

Mr. Mandeville made the following report:

The Committee on Mines and Mining Interests, to which was referred Senate bill No. 122, for an Act to amend an Act entitled an Act to provide for the protection of Foreigners and to define their liabilities and privileges having had the same under consideration, have directed me to report the bill back without amendment and recommend its passage.

DANIELS

Chairman, pro tem.

Senate bill No. 122, above reported, on its third reading.

Mr. Sweetland moved to machiney postpone the bill.

Mr. Lindsey demanded the previous question.

The previous question was sustained.

On the motion to machiney postpone.

Messrs. Mandeville, Sweetland and Watkins demanded the yeas and nays.

YEA.

Messrs. Butler, Bradford, Carville, Conness, Farfield, French, Gilbert, Hof, Hubbard, Hubert, Lindsey, Messrs. McFarmer, McDonald, F. A. Park, J. W. Park, Pratt, Purdy, Springer, Stevenson, Sweetland and Mr. Speaker—22.

NAY.

Messrs. Anderson, Bennett, Brewster, Brown, Burton, Carr, Cornwall, Danner,

Davidson, Ewer, Gordon, Griffith, Hagans, Hastings, Herbert, Houghtaling, Hunt, Kellogg, Koll, Letcher, Mandeville, Musser, McDuffie, McDaniel, Ring, Spencer, Stemmons, Stowe, Sweasey, Tivy, Watkins and Whitman—32.

So the House refused to indefinitely postpone.

The bill was read a third time :

Mr. Fairfax moved to lay the bill on the table, and

Messrs. Hubbard, Fairfield and Springer demanded the yeas and nays.

## YEAS.

Messrs. Ballou, Bradford, Carrillo, Conness, Fairfield, French, Gilbert, Green, Herbert, Hoff, Hollister, Hubbard, Lindsey, Myres, McBrayer, McDonald, Noel, O'Neil, F. A. Park, J. W. Park, Pratt, Purdy, Springer, Stevenson, Sweetland, Whitman and Mr. Speaker—27.

## NAYS.

Messrs. Anderson, Ashley, Bennett, Bostwick, Bowie, Briggs, Burton, Carr, Clingan, Cornwall, Dannels, Davidson, Ewer, Gordon, Griffith, Hagans, Hastings, Henry, Houghtaling, Hubert, Hunt, Kellogg, Koll, Letcher, Mandeville, McDuffie, McDaniel, Ring, Stemmons, Stowe, Sweasey, Tivy, Watkins and Whipple—34.

So the bill was not laid on the table.

Mr. McDuffie moved the previous question.

The previous question was sustained.

On the passage of the bill,

Messrs. Mandeville, Sweetland and McDonald demanded the yeas and nays.

## YEAS.

Messrs. Anderson, Bostwick, Bowie, Briggs, Burton, Cornwall, Davidson, Ewer, Gordon, Hagans, Hastings, Houghtaling, Hubert, James, Kellogg, Koll, Letcher, Mandeville, McDuffie, Ring, Stemmons, Stowe, Tivy, Warmcastle, Watkins, Whipple and Whitman—27.

## NAYS.

Messrs. Ashley, Bagley, Ballou, Bennett, Bradford, Carr, Carrillo, Clingan, Conness, Dannels, Fairfield, French, Gilbert, Green, Herbert, Hoff, Hollister, Hubbard, Hunt, Irwin, Lindsey, Myres, McBrayer, McDonald, McKinney, Noel, O'Neil, F. A. Park, J. W. Park, Pratt, Purdy, Rowan, Spencer, Springer, Sweetland, Tallmadge and Mr. Speaker—37.

So the bill did not pass.

Mr. Sweetland moved to reconsider the vote just taken.

Mr. Lindsey moved to indefinitely postpone the motion to reconsider.

Agreed to.

Mr. Mandeville from the Committee on Mining reported Assembly bill, No. 137, back to the House, and recommended that it do not pass.

Mr. Hoff moved to strike out the enacting clause.

Agreed to.

Mr. Tivy, chairman, made the following report.

The Joint Committee on Enrollment, on Saturday the 6th instant, presented to his Excellency the Governor for his approval, the following Acts, viz :

An Act supplementary to an Act to exempt Firemen from militia service and jury duty, passed March 25, 1853.

An Act to change the name of George Davenport Parmalee to that of George Curtis Currie.

An Act relative to transferring actions and proceedings from one court to another court.

An Act to give jurisdiction to the District Court, County Court, and Justices' Courts, in Plumas county, in certain cases.

An Act for a special term of the District Court in the county of Placer.

An Act to provide for the erection of a Jail in the county of Monterey.

And they have examined and find correctly enrolled the following acts, viz :

An Act to provide offices for certain county officers in the county of Sacramento.

An Act to prevent the destruction of fish in the waters of the Stockton Slough and Mormon Slough, in San Joaquin county.

An Act to authorize the Mayor and Common Council of the city of Sacramento to levy and collect a special tax for the redemption of the bonds of said city.

An Act for the relief of Carlos Isarda.

Senate Joint Resolutions in relation to the Nebraska Bill, introduced into the Senate of the United States on 23d January, 1854.

An Act granting to the electors of Calaveras county the privilege to vote for or against a division of said county, and organize the county of Amador.

An Act fixing the age of majority of males and females in this State, and

An Act to appropriate money to enable the Trustees of the Insane Asylum to erect an additional building, and to enclose the ground belonging to the Asylum.

JOSEPH A. TIVY,

Chairman Committee on Enrollment.

Mr. Bradford, chairman of the committee, made a report from the Committee on Public Lands, which

On motion, was laid on the table without action.

Mr. Lindsey moved to suspend the rules, in order to allow Committee on Accounts to report.

Not agreed to.

Mr. Spencer chairman, made the following report :

The Committee on State Hospitals, to which was referred Assembly bill No. 260 for an Act to provide for the indigent sick in this State, having considered the same have instructed me to report it back to the House with sundry amendments, of which they recommend the adoption.

The committee have also had under consideration Assembly bill No. 293, for an Act concerning passengers arriving in the State of California, and instructed me to report the same without amendment, and to recommend its passage.

Assembly bill No. 266, above reported, on its third reading.

Mr. Conness moved to make the bill the special order for this evening at 7 o'clock.

Agreed to.

Assembly bill No. 293, an Act concerning passengers arriving in the State of California, on its third reading.

Mr. Bradford moved to dispense with the reading of the bill.

Agreed to.

Mr. Conness moved to make the bill the special order for 8 o'clock P. M.

Not agreed to.

Mr. Stowe moved to make the bill the special order for Friday next.

Mr. Conness moved to amend by inserting to-morrow at 3 o'clock.

Agreed to.

On motion of Mr. Bradford, the message of the Governor returning two Assembly bills, was referred to the Committee on Enrollment.

Mr. Hoff, chairman, made the following report :

Your Committee on Claims have had under consideration Assembly bill No. 309, an Act for the relief of Luther Wright, and report back the accompanying Joint Resolution as a substitute for the same, and recommend its passage.

The Joint Resolution was adopted as a substitute—

Substitute was read a third time and passed.

Mr. Hoff reported back Assembly bill No. 335, an Act to compensate H. Gomez Maurriz for translating into Spanish and engrossing certain Legislative documents, on its third reading.

On motion of Mr. Herbert, the House resolved itself into Committee of the Whole, Mr. Hoff in the chair, to consider the bill ; after spending some time in its consideration, on motion, the committee rose, reported the bill back without recommendation.

Committee discharged.

Mr. Ashley moved to amend by striking out two dollars and insert one dollar where it occurs.

Agreed to.

Mr. Herbert moved to reconsider the vote which adopted the amendment.

Not agreed to.

The bill was read a third time, and on its passage Messrs. Herbert, Hoff and Carrillo demanded the yeas and nays.

YEAS.

Messrs. Anderson, Ashley, Ballou, Bostwick, Clingan, Cornwall, Ewer, Fairfield, Godard, Green, Griffith, Hagans, Hollister, Houghtaling, Hoyt, Hunter, Kellogg, Koll, McBrayer, McDonald, McDuffie, McGee, Pratt, Ring, Spencer, Stemmons, Stevenson, Stowe, Sweasey, Tallmadge, Tivy and Watkins—32.

NAYS.

Messrs. Bennett, Bowie, Bradford, Burton, Carr, Carrillo, Conness, Gilbert, Gordon, Hastings, Herbert, Hoff, Horr, Hubbard, Hunt, James, Letcher, Lindsey, Mandeville, McDaniel, McKinney, Nichols, Noel, O'Neil, J. W. Park, Purdy, Rowan, Warmcastle and Mr. Speaker—29.

So the bill passed.

Mr. Hoff, chairman, made a further report :



Your Committee on Claims have had under consideration Senate bills No. 185, an Act to authorize the Comptroller to issue duplicate warrants.

Also an Act No. 117, for the relief of H. S. Jackson and William Buchanan, And No. 181, an Act to authorize the Comptroller of State to issue duplicate warrants to Smith, Brothers & Co.

Also Assembly bill No. 342, an Act for the relief of Henry Wohlgamuth, and do most respectfully recommend their passage.

Senate bill No. 117, an Act for the relief of H. S. Jackson and William Buchanan, above reported,

On motion of Mr. Conness, the House resolved itself into Committee of the Whole, Mr. O'Neil in the chair, to consider the bill. After spending some time in its consideration,

On motion of Mr. Conness, the committee rose, reported the bill back without any recommendation, and the Committee was discharged.

The bill was then read a third time and passed.

Senate bill No. 185, an Act to authorize the Comptroller to issue duplicate warrants.

Read third time and passed.

Assembly bill No. 342, for the relief of Henry Wohlgamuth, on its third reading,

On motion of Mr. Hoff, the House resolved itself into Committee of the Whole, Mr. O'Neil in the chair, to consider the bill.

After spending some time, and reading the same,

On motion, the committee rose, reported the bill back to the House, and were discharged from its further consideration.

The bill was read a third time and passed.

Senate bill No. 181, an Act to authorize the Comptroller of State to issue duplicate warrants to Smith, Brothers, &c., on its third reading,

On motion of Mr. Conness, the bill was laid on the table.

Mr. Bostwick made the following report :

The Committee on Accounts and Expenditures, to whom was referred Senate bill No. 169, an Act to create a contingent fund to pay the postage of members of the Legislature of the year 1854, report the same back with amendments, and recommend its passage.

Senate bill No. 169, above reported, on its third reading.

The bill, on motion of Mr. Mandeville, was amended, and the amendment offered by the committee concurred in, it was read a third time, and passed.

Mr. Conness moved to take from the table Senate bill No. 181.

Agreed to.

On motion of Mr. James, the House adjourned until 8 o'clock, P. M.

EIGHT O'CLOCK, P. M.

House met pursuant to adjournment.

On motion, Mr. Lindsey was called to the chair,

And on motion of Mr. Houghtaling, the House adjourned until 10 o'clock tomorrow.

# HOUSE OF ASSEMBLY.

WEDNESDAY, May 10, 1854.

House met pursuant to adjournment.

The roll was called and the following members were absent :

Messrs. Anderson, Ballou, Cornwall, Dawley, Gilbert, Green, Griffith, Herbert, Loff, Hubert, James, Myres, McDuffie, Nichols, J. W. Park, Van Cleft, Watkins and Mr. Speaker.

Mr. O'Neil reported as correctly engrossed the following Acts and Resolution :

Joint Resolution relative to the relief of Luther Wright.

An Act for the relief of Henry Wohlgamuth.

An Act for the relief of Capt. Harry Love.

Also, an Act for the protection of Toll and other Bridges in this State.

Mr. Hunter, Chairman, made the following report :

The Committee on Millitary Affairs to whom was referred a communication from Ex-Indian Commissioner O. M. Wozencraft, report the same back to the House, and recommend that the Clerk be authorized to write a letter of condolence to the Hon. Ex-Indian Commissioner.

Mr. Warmcastle made the following report :

The Select Committee to which was referred Assembly bill No. 311, have had the same under consideration, and report it back with a substitute, and recommend the passage of said substitute.

Assembly bill, No. 311, an Act to ascertain the amount of indebtedness of the county of Alameda to the county of Contra Costa.

Substitute for the above bill adopted by the House.

The substitute, read a third time, and passed.

Mr. Whitman made the following report :

The Special Committee, to whom was referred Assembly bill, No. 326, report the same back and recommend its passage.

Assembly bill, No. 326, above reported, an Act to change the name of Mary Elizabeth McGreece to Mary Elizabeth Hastings.

Read a third time and passed.

Mr. Letcher made the following report :

The committee to which was referred a bill for an Act to authorize W. H. Chamberlain and others to construct a lock on Alameda river, in the county of Alameda, beg leave to report that they have considered the same, and having personal knowl-

edge of the importance of the project to the people of that county, recommend the passage of the bill without amendment.

Assembly bill, No. 341, above reported, considered as engrossed, read a third time and passed.

Mr. Spencer, chairman, made the following report :

The Special Committee, to which was referred Assembly bill No. 328, for an Act to amend an Act concerning fees in office, report the same to the House with amendments and recommend its passage.

SPENCER.

Amendment first :

Insert *Trinity* after Humboldt.

Amendment second :

Amend section 73 of same Act so as to read as follows :

Section 73. Nothing contained within this Act shall be construed so as to apply to the counties of Tuolumne, Calaveras, Mariposa and San Joaquin. The fees of the officers of said counties shall remain as fixed in an Act entitled an Act to regulate fees of office, passed April twenty-second, one thousand eight hundred and fifty, except so far as the fees allowed sheriffs for traveling per mile, shall be fixed in this Act.

Assembly bill No. 328, above reported; the amendments proposed by the committee concurred in, the bill considered as engrossed,

Read a third time and passed.

Mr. Gordon made the following report :

The committee to whom was referred the bill for an Act granting to the city of Benicia the water front of said city, have had the same under consideration and return said bill to this House with a substitute for said bill, and recommend the passage of the substitute.

Assembly bill No. 127, granting the city of Benicia the water front of said city. While the substitute was under consideration,

The hour of 11 o'clock was announced by the Speaker, and

The special order for that hour was taken up, which was three Assembly bills on the subject of the extension of the water front in the Bay of San Francisco.

On motion of Mr. Conness,

The House resolved itself into Committee of the Whole,

Mr. Bradford in the chair, to consider the bills.

After spending some time in the consideration of the subject, the committee adopted Assembly bill No. 272, as a substitute for the three bills, and amended the same.

The committee was discharged.

Amendments made in Committee of the Whole, concurred in by the House.

Mr. Stowe moved to indefinitely postpone the bill, and

Messrs. Lindsey, Stowe and Houghtaling demanded the yeas and nays.

Mr. McDuffie moved the previous question, and

Messrs. Conness, Gordon and Springer demanded the yeas and nays.

YEAS.

MESSRS. Bagley, Bowie, Burton, Carrillo, Clingan, Ewer, Gilbert, Green, Hastings, Henry, Herbert, Horr, Houghtaling, Hubbard, Jones, Koll, Lindsey, McDuffie, Nichols, Noel, J. W. Park, Purdy, Stowe, Sweasey, Sweetland, Whitman and Mr. Speaker—27.

NAYS.

MESSRS. Anderson, Ashley, Ballou, Bostwick, Bradford, Briggs, Carr, Conness, Cornwall, Dannels, Davidson, Dawley, Fairfield, French, Godard, Gordon, Griffith, Hagans, Hollister, Hoyt, Hubert, Hunt, Hunter, Jones, Kellogg, Letcher, Mandeville, Musser, Myres, McBrayer, McDonald, McDaniel, O'Neil, F. A. Park, Pratt, Ring, Rowan, Spencer, Springer, Stemmons, Stevenson, Tallmadge, Tivy, Van Cleft, Warmcastle, and Watkins—46.

The previous question was not sustained.

Mr. Myres moved to amend the sixth section,

To which Mr. Letcher offered an amendment.

The amendment of Mr. Letcher not adopted.

The motion of Mr. Myres to amend was adopted.

Mr. Conness moved an amendment to the 7th section.

The amendment was adopted.

Mr. Jones moved to amend the 6th section of the bill.

Agreed to.

Mr. Letcher moved to amend the 6th section.

The amendment was adopted.

Mr. Tivy, chairman, made the following report :

The Committee on Enrolled Bills, to whom was referred the communication of his Excellency the Governor, with two bills having reference to the Asylum for the Insane of the State of California, have investigated the subject, and beg leave to submit the following report :

The bill to amend an Act to establish an Asylum for the Insane of the State of California, approved May 17, 1853, passed the Assembly on the 13th, and the Senate on the 21st of April, and was enrolled by the Enrolling Clerk ; but subsequently, on the 25th April, was reconsidered by the Senate, and was amended and passed with the addition of the " proviso " to the end of section 1st. The House then, on the 27th of April, concurred in the amendment of the Senate, and the bill was then enrolled as amended, and with others on the 29th reported to the Senate and Assembly as correctly enrolled, was signed by the proper officers, and was on the same day presented to his Excellency the Governor for his approval.

Subsequently the chairman of your committee, finding in his desk, with others received from the Enrolling Clerk, the first enrolled copy of the bill referred to, and not having been aware that it had been twice enrolled, believed that he had inadvertently overlooked the bill and had not taken it with the others to his Excellency as reported on the 29th, and then with other enrolled bills presented this second bill to the officers of the House and Senate for signature, and to his Excellency the Governor for approval.

The bill, therefore, which was signed by the officers of the Senate and Assembly on the 6th inst. is incorrect, it being the one that was passed without the proviso ; and it was by accidental circumstances that it received the signatures of the officers of the Senate and Assembly. Your committee would, therefore, recommend that the said copy be cancelled or destroyed, and the bill reported on the 29th inst. be



returned to his Excellency the Governor, it being the correct law as passed by both branches of the Legislature as amended, and that the date of its passage as amended be endorsed upon the bill.

Mr. Herbert asked leave to make a report from the Committee of Ways and Means.

Leave granted.

Mr. Stowe moved to lay the report on the table.

Agreed to.

Mr. Myres offered an additional section to the bill 272, Water Front.

Mr. Stowe offered a substitute to the amendment offered by Mr. Myres.

Not agreed to.

Mr. Hubert moved to lay the amendment and bill on the table.

Not agreed to.

Mr. Myres withdrew his amendment.

Mr. Myres moved to strike out the fifth line in the fourth section.

Agreed to.

Mr. Conness moved an additional section to the bill.

Mr. Godard demanded the previous question.

The previous question was sustained.

The motion of Mr. Conness was then put and carried.

On the motion to indefinitely postpone, made by Mr. Stowe, Messrs. McDuffie, Carrillo and Purdy demanded the yeas and nays.

#### YEAS.

Messrs. Bagley, Bowie, Bradford, Burton, Carrillo, Clingan, Cornwall, Ewer, Gilbert, Green, Hastings, Herbert, Houghtaling, Hubbard, Hubert, James, Koll, Letcher, Lindsey, McDuffie, Nichols, Noel, J. W. Park, Purdy, Spencer, Stowe, Sweasey, Sweetland, Watkins, Whipple, Whitman and Mr. Speaker—32.

#### NAYS.

Messrs. Anderson, Ashley, Ballou, Bennett, Bostwick, Briggs, Carr, Conness, Davidson, Dawley, Fairfield, French, Godard, Gordon, Griffith, Hagans, Hoff, Hollister, Horr, Hunt, Hunter, Jones, Kellogg, Myres, McBrayer, McDonald, F. A. Park, Pratt, Ring, Rowan, Springer, Stemmons, Stevenson, Tallmadge, Van Cleft and Warmcastle—36.

So the House refused to indefinitely postpone.

A motion was made to read the bill a third time, and

Messrs. Houghtaling, Sweetland, and Dawley, demanded the yeas and nays :

#### YEAS.

Messrs. Anderson, Ashley, Ballou, Bennett, Bostwick, Briggs, Conness, Davidson, Dawley, Fairfield, French, Godard, Gordon, Griffith, Hoff, Hollister, Horr, Hoyt, Hunt, Hunter, Jones, Kellogg, Myres, McBrayer, McDonald, O'Neil, F. A. Park, Pratt, Ring, Rowan, Springer, Stemmons, Stevenson, Tallmadge, Van Cleft, and Warmcastle—36.

#### NAYS.

Messrs. Bagley, Bowie, Bradford, Burton, Carr, Carrillo, Clingan, Cornwall,

Ewer, Gilbert, Green, Hagans, Hastings, Herbert, Houghtaling, Hubbard, Hubert, James, Koll, Letcher, Lindsey, Mandeville, McDuffie, McDaniel, Nichols, Noel, J. W. Park, Purdy, Spencer, Stowe, Sweasey, Sweetland, Watkins, Whipple, Whitman, and Mr. Speaker—36.

There being an equal number of votes, the motion was lost, and the House refused to read the bill a third time.

Mr. Bagley moved to adjourn, and

Mr. Hunter, and two other gentlemen, (names not recollected,) demanded the yeas and nays.

## YEAS.

Messrs. Cornwall, Gilbert, Green, Henry, Mandeville, McDuffie, Noel, Purdy, Stemmons, Sweasey, Watkins, and Whitman—12.

## NAYS.

Messrs. Anderson, Ashley, Bagley, Ballou, Bennett, Bostwick, Bowie, Bradford, Briggs, Burton, Carr, Carrillo, Clingan, Conness, Davidson, Dawley, Ewer, Fairfield, French, Godard, Gordon, Griffith, Hagans, Hastings, Herbert, Hoff, Hollister, Horr, Houghtaling, Hoyt, Hubbard, Hubert, Hunt, Hunter, Irwin, James, Jones, Kellogg, Koll, Letcher, Lindsey, Musser, Myres, McBrayer, McDonald, McDaniel, Nichols, O'Neil, F. A. Park, J. W. Park, Ring, Rowan, Spencer, Springer, Sweetland, Tallmadge, Tivy, Van Cleft, Warmcastle, Whipple, and Mr. Speaker—61.

So the House refused to adjourn.

Mr. Spencer moved to reconsider the vote, which refused to read Water Front bill a third time, having voted in the negative.

The Speaker decided the motion out of order, as there was an equal number of votes upon the question on which Mr. Spencer voted, and there was no majority vote.

From which decision, Mr. Conness appealed, and

Messrs. Dawley, Conness, and McDonald, demanded the yeas and nays:

## YEAS.

Messrs. Bagley, Bowie, Bradford, Carr, Carrillo, Clingan, Cornwall, Gilbert, Green, Henry, Houghtaling, Hubert, <sup>and</sup> James, Koll, Lindsey, McDuffie, Nichols, Noel, J. W. Park, Purdy, Stowe, Sweetland, Watkins, Whipple, and Whitman—25.

## NAYS.

Messrs. Anderson, Ashley, Ballou, Bennett, Bostwick, Briggs, Burton, Conness, Dannels, Davidson, Dawley, Ewer, Fairfield, French, Godard, Gordon, Griffith, Hagans, Hastings, Hollister, Horr, Hoyt, Hunt, Hunter, Irwin, Jones, Kellogg, Letcher, Mandeville, Musser, Myres, McBrayer, McDonald, O'Neil, F. A. Park, Pratt, Ring, Rowan, Spencer, Springer, Stemmons, Stevenson, Sweasey, Tallmadge, Tivy, Van Cleft, and Warmcastle—47.

So the decision of the Chair was overruled.

The question then came up upon the motion made by Mr. Spencer to reconsider the vote, and decided in the affirmative.

The bill was then put upon its third reading, and Messrs. Hubbard, Stowe and Hollister demanded the yeas and nays.

## YEAS.

Messrs. Anderson, Ashley, Ballou, Bennett, Bostwick, Briggs, Conness, Dannels, Davidson, Dawley, Fairfield, French, Godard, Gordon, Griffith, Hoff, Hollister, Horr, Hoyt, Hunt, Hunter, Irwin, Jones, Kellogg, Musser, Myres, McBrayer, McDonald, O'Neil, F. A. Park, Pratt, Ring, Rowan, Springer, Stemmons, Stevenson, Tallmadge, Tivy, Van Cleft and Warmcastle—40.

## NAYS.

Messrs. Bagley, Bowie, Bradford Burton, Carr, Carrillo, Clingan, Cornwall, Ewer, Gilbert, Green, Hagans, Hastings, Henry, Houghtaling, Hubbard, Hubert, James, Koll, Letcher, Lindsey, Mandeville, McDuffie, Nichols, Noel, J. W. Park, Purdy, Spencer, Stowe, Sweasey, Sweetland, Watkins, Whipple, Whitman and Mr. Speaker—35.

So the bill was read a third time.

On motion of Mr. Hoff, the bill was recommitted to the Committee on Commerce, with instructions to strike out the sixth section of the bill, and report immediately.

Mr. O'Neil, chairman of the Committee on Engrossed Bills, reported to the House that an error had occurred in engrossing Assembly bill No. 161, concerning the office of Surveyor General, and

On motion, the Engrossing Committee was authorized to make the necessary correction to the bill.

Mr. Griffith moved to pass over the special order of the day, which was Assembly bill No. 293.

Not agreed to.

Mr. O'Neil moved to go into Committee of the Whole to consider the bill.

Not agreed to.

Mr. Jones moved to lay the special order on the table.

Not agreed to.

Mr. Conness moved to postpone the special order for one half hour. •

Agreed to.

Mr. Dawley, chairman of the Committee on Commerce, reported back Assembly bill No. 272, in reference to water lots, amended as directed by the House.

The House concurred in the action of the committee.

The bill was then put upon its passage.<sup>117</sup>

Mr. Gordon, moved the previous question, and

Messrs. Stowe, Carrillo and Sweetland demanded the yeas and nays.

## YEAS.

Messrs. Ashley, Ballou, Bennett, Bostwick, Briggs, Conness, Dannels, Davidson, Dawley, Ewer, Fairfield, French, Gordon, Hagans, Hastings, Hollister, Horr, Houghtaling, Hoyt, Hunt, Irwin, Jones, Kellogg, Musser, Myres, McBrayer, McDonald, O'Neil, F. A. Park, Ring, Rowan, Spencer, Springer, Stevenson, Tallmadge, Van Cleft, and Warmcastle—36.

## NAYS.

Messrs. Anderson, Bagley, Bradford, Burton, Carr, Carrillo, Clingan, Cornwall, Gilbert, Hagans, Henry, Herbert, Hoff, Hubbard, Hubert, Koll, Letcher, Lindsey, Mandeville, McDuffie, McDaniel, Nichols, Noel, J. W. Park, Purdy, Stemmons, Stowe, Sweasey, Sweetland, Watkins, Whipple, Whitman, and Mr. Speaker—35.

So the previous question was sustained.

Mr. Nichols, for himself and Messrs. Bagley and Park, made the following report :

We, a portion of the Committee on Commerce and Navigation, dissent from the report made by the chairman of the committee upon the water extension in San Francisco.

The bill was then put upon its passage, and Messrs. Stowe, Burton, and Dawley demanded the yeas and nays.

## YEAS.

Messrs. Anderson, Ashley, Ballou, Bennett, Bostwick, Briggs, Conness, Dannels, Davidson, Dawley, Fairfield, French, Godard, Gordon, Griffith, Hollister, Horr, Hoyt, Hunt, Irwin, Jones, Kellogg, Musser, Myres, McBrayer, McDonald, O'Neil, F. A. Park, Ring, Rowan, Spencer, Springer, Stemmons, Stevenson, Sweasey, Sweetland, Tallmadge, Van Cleft, and Warmcastle—38.

## NAYS.

Messrs. Bagley, Bradford, Burton, Carr, Carrillo, Clingan, Cornwall, Ewer, Gilbert, Hagans, Hastings, Hoff, Houghtaling, Hubbard, Hubert, James, Koll, Letcher, Lindsey, Mandeville, McDuffie, McDaniel, Nichols, Noel, J. W. Park, Purdy, Stowe, Sweasey, Watkins, Whipple, and Mr. Speaker—31.

So the bill passed.

Mr. Sweetland gave notice that he would move a reconsideration of the vote just taken on to-morrow.

Mr. O'Neil offered the following, which was adopted :

*Resolved*, That the Governor be, and he is hereby requested to transmit to the Assembly all the information in his possession in relation to the collection and payment into the Treasury of the per centage required to be collected on sales made at public auction, and also in relation to the probable amount collected.

Mr. McBrayer, agreeable to notice, moved to reconsider the vote which refused to pass Assembly bill No. 299, in reference to Messrs. Kohler and Dowling; and Messrs. Mandeville, Hastings and Bradford demanded the yeas and nays.

## YEAS.

Messrs. Anderson, Bagley, Ballou, Conness, Cornwall, Dannels, Dawley, Fairfield, French, Gilbert, Godard, Gordon, Griffith, Hoff, Hollister, Horr, Houghtaling, Hoyt, Hubbard, Irwin, Koll, Musser, Myres, McBrayer, McDonald, McDaniel,



Nichols, O'Neil, Pratt, Purdy, Ring, Rowan, Spencer, Sweasey, Tallmadge, Tivy and Van Cleft—37.

# NAYS.

Messrs. Ashley, Bennett, Bostwick, Bradford, Briggs, Burton, Carr, Carrillo, Clingan, Ewer, Hagans, Hastings, Henry, Hubert, Hunt, Hunter, James, Letcher, Lindsey, Mandeville, McDuffie, Noel, J. W. Park, Stemmons, Stevenson, Stowe, Sweetland, Warmcastle, Watkins, Whipple and Mr. Speaker—31.

So the vote was reconsidered.

Mr. Griffith moved the previous question.

The previous question sustained.

The bill was read a third time and passed.

The special order of the day, Assembly bill No. 293, an Act concerning passengers arriving in the State of California, was then taken up.

Mr. Herbert moved to postpone the special order till to-morrow at 11 o'clock.

Not agreed to.

Mr. Stevenson moved to adjourn.

Not agreed to.

On motion of Mr. Conness, the House resolved itself into Committee of the Whole, Mr. Bostwick in the chair. After spending some time in its consideration, and adopting a substitute, on motion of Mr. Burton, the committee rose, reported the substitute to the House, and were discharged from the further consideration of the subject.

The substitute reported by the committee was adopted by the House, considered as engrossed, read a third time and passed.

Mr. Hubert, from the San Francisco delegation, made the following report :

The San Francisco delegation, to whom was referred the bill to change the names of Hannah Maria Drew to that of Hannah Maria Wilkes; the name of Laura Wilkes Drew to that of Flora Wilkes; the name of Edwin James Drew to that of Edwin James Wilkes; and the name of Ethelbert John Drew to that of Ethelbert John Wilkes, have had the same under consideration, and report the same back recommending its passage.

N. HUBERT,  
A. A. GREEN,  
J. C. HUBBARD,  
ELIJAH NICHOLS,  
JOHN W. BAGLEY,  
JAS. A. GILBERT,  
W. J. SWEASEY,  
EDWIN B. PURDY,  
F. W. KOLL.

Assembly bill No. 333, above reported, on motion of Mr. Conness, was laid on the table.

On motion of Mr. Stowe, the House adjourned until 10 o'clock to-morrow.

## HOUSE OF ASSEMBLY.

THURSDAY, May 11, 1854.

House met pursuant to adjournment.

The roll was called, and the following members were absent :

Messrs. Bagley, Briggs, Cornwall, French, Gilbert, Green, Griffith, Hoff, Hubert, Irwin, James, Myres, McDuffie, McGee, McKinney, Nichols, F. A. Park, J. W. Park, Rowan, Springer, Van Cleft, Whipple, and Whitman.

The Journal of Wednesday was read and approved.

On motion, Mr. Green had leave of absense for three days granted.

Mr. O'Neil, chairman, made the following report ;

The Committee on Engrossments have examined and find correctly engrossed

An Act to authorize the construction of a wagon road from Shasta City to Weaverville, in Trinity county.

An Act to authorize Abraham Barnes and Felix Coons, and their associates to build and construct and keep a Ferry in the county of Yolo.

Also, an Act to provide for the lien of contractors, sub-contractors, and laborers.

The following report was taken up for consideration, which by vote on yesterday was laid upon the table.

The Committee of Ways and Means to whom was referred Assembly bill, No. 23, entitled an Act to authorize the Comptroller of State to issue a duplicate warrant to S. W. Langton, have had the same under consideration, and ask leave to report it back, with the following amendment : " *Provided*, S. W. Langton shall file with the Comptroller of State a Bond for double the amount of said duplicate warrant, with good and sufficient security," and recommend the adoption of the amendment and the passage of the bill.

They have also had under consideration Assembly bill, No. 267, entitled an Act to create a Board of Commissioners to investigate and recover the State's right to the Leidesdorff estate, and ask leave to report the same back, with a substitute, and recommend the passage of the substitute.

Also, Senate bill, No. 110 entitled an Act to provide revenue for the support of the Government of this State, and recommend the same to the consideration of the House.

Also, Assembly bill, No. 208, entitled an Act to authorize the Secretary of State to issue Licenses to Hawkers and Pedlars, and recommend that it do not pass.

Also, Assembly bill, No. 212, entitled an Act to amend section one, (1,) and fifteen, (15,) of Article eight, (8,) of the Act to provide revenue for the State, and recommend that it do not pass.

Also, Assembly bill, No. 219, entitled an Act to repeal Section 2d, Article 2d, of an Act entitled an Act to provide revenue for the support of the Government of this State, and recommend that it do not pass.

Also, Assembly bill, No. 182, entitled an Act to amend the 54th Section of the 10th Article of an Act entitled an Act to provide revenue for the support of the Government of this State, passed May 18, 1853, and recommend that it do not pass.

P. T. HERBERT,  
Chairman.

Assembly bill No. 323, an Act to authorize the Comptroller of State to issue a duplicate warrant to S. W. Langton.

The bill was amended, considered as engrossed, read a third time and passed.

Assembly bill No. 267, an Act to create a Board of Commissioners to investigate and recover the State's right to the Liedesdorff estate, the substitute was adopted, and

On motion of Mr. McBrayer, the House resolved itself into Committee of the Whole, Mr. McBrayer in the chair, to consider the substitute.

After spending some time in its consideration, and reading the same,

On motion of Mr. Herbert, the committee rose and reported the bill back to the House, and asked to be discharged from its further consideration.

The committee was discharged.

Mr. Sweetland moved to print 240 copies of the substitute just adopted.

Not agreed to.

Mr. Tallmadge moved to strike out "Comptroller and Secretary of State."

Mr. Herbert moved to amend by striking out "the Governor."

Not agreed to.

Mr. Tallmadge withdrew his motion to strike out.

Mr. Lindsey moved to strike out the enacting clause.

Mr. Conness moved to lay the motion on the table.

Not agreed to.

Mr. Bradford moved the previous question.

The previous question was sustained.

On the motion to strike out the enacting clause,

Messrs. McKinney, Sweetland, and O'Neil, demanded the yeas and nays:

#### YEAS.

Messrs. Ashley, Bennett, Bowie, Burton, Carrillo, Clingan, Conness, Cornwall, Ewer, Gordon, Hagans, Hastings, Henry, Houghtaling, Hunter, Irwin, Letcher, Lindsey, Pratt, Spencer, Stevenson, Tallmadge, Warmcastle, Wakins, Whipple, and Whitman—26.

#### NAYS.

Messrs. Bagley, Bradford, Dannels, Dawley, Fairfield, Gilbert, Godard, Herbert, Hoff, Horr, Hubbard, Hubert, Jones, Kellogg, Koll, Mandeville, Musser, McBrayer, McDonald, McDaniel, McKinney, Nichols, Noel, O'Neil, F. A. Park, J. W. Park, Purdy, Ring, Rowan, Stemmons, Sweasey, Sweetland, and Mr. Speaker—33.

So the House refused to strike out the enacting clause.

On the passage of the bill Messrs. McKinney, Hunter, and Hubbard, demanded the yeas and nays.

## YEAS.

Messrs. Bagley, Bradford, Dawley, Gilbert, Godard, Herbert, Hoff, Horr, Hubbard, Koll, Myres, McBrayer, McKinney, Nichols, O'Neil, F. A. Park, J. W. Park, Purdy, Stevenson, Sweasey, and Mr. Speaker—21.

## NAYS.

Messrs. Ashley, Bennett, Bowie, Burton, Carr, Clingan, Conness, Cornwall, Dannels, Ewer, Fairfield, Gordon, Griffith, Hagans, Henry, Houghtaling, Hoyt, Hubert, Hunt, Hunter, Irwin, James, Jones, Kellogg, Letcher, Lindsey, Mandeville, Myres, McDonald, Pratt, Ring, Spencer, Springer, Stemmons, Tallmadge, Van Cleft, Warmcastle, Watkins, Whipple, and Whitman—40.

So the bill did not pass.

Senate bill No. 110, an Act to provide revenue for the support of the Government of the State.

On motion of Mr. Mandeville, the bill was made the special order for 1 o'clock of this day, and at 1 o'clock for every day, until disposed of.

Assembly bill No. 208, an Act to authorize the Secretary of State to issue Licenses to Hawkers and Pedlers, on its third reading.

On motion of Mr. Whitman, it was indefinitely postponed.

Assembly bill No. 212, to amend 1st and 15th sections of article 8 of the Act to provide Revenue for the State.

On motion, the bill was indefinitely postponed.

Assembly bill No. 219, an Act to repeal section 2, article 2, of an Act entitled an Act to provide Revenue for the support of the Government of this State.

On motion, the bill was indefinitely postponed.

Assembly bill No. 182, an Act to amend the 54th section of the 10th article of an Act entitled an Act to provide Revenue for the support of the Government of this State.

On motion, the bill was indefinitely postponed.

Mr. Conness offered the following, which was adopted :

*Resolved*, That all committees be and are hereby ordered to report all bills that have been referred to them to-morrow.

Mr. Gordon offered the following, which was adopted :

*Resolved*, That the Secretary of State be instructed to transmit an authentic copy of an Act passed the present session of the Legislature for the division of the county of Calaveras, and the formation of a new county named Amador, to the County Judge of Calaveras county, with directions to said Judge that he cause said Act to be published in the "Calaveras Chronicle," and also the "Jackson Sentinel," until the time of the division of said county, as proposed in said Act.

On motion, the following messages were taken up from the Senate :

I am instructed to inform the Assembly that the Senate passed, this day, Joint Resolution tendering the thanks of the Legislature to our Senators and Representative in Congress ;

Also, Joint Resolution in relation the Pacific Railway ; and  
Concurrent Resolutions in relation to the soldiers of 1812.



Also, an Act for the relief of Benjamin F. Marshall, late sheriff of Calaveras county, and

An Act appropriating money for the payment of Cornelius Cole, for services rendered as agent of the State; and on Saturday,

Assembly bill for an Act to establish pilots and pilot regulations for the port of San Francisco,

Which are herewith respectfully presented.

JOHN Y. LIND, Secretary.

Senate Joint Resolution tendering thanks to our Representatives in Congress,

Read first and second time and referred to Committee on Federal Relations.

Senate Concurrent Resolution No. 70, concerning Revolutionary Soldiers,

Concurred in by the House.

Senate amendment to Assembly bill No. 152, concurred in.

Senate Joint Resolution in relation to the Pacific Railway.

Read first and second time and referred to the Committee on Federal Relations.

Senate bill, No. 199, an Act appropriating money for the payment of Cornelius Cole for services rendered as agent of the State.

Read first and second time, and

On motion of Mr. Irwin the House resolved itself into Committee of the Whole, Mr. Hoff in the chair, to consider the bill. After spending some time in its consideration,

On motion of Mr. Mandeville, the committee rose, reported the bill back to the House without recommendation, and the committee was discharged.

Mr. Mandeville moved to refer the bill to the Committee on Claims, with instructions to report on to-morrow.

Not agreed to.

On motion of Mr. McBrayer, the bill was referred to the Committee of Claims without instructions.

Senate bill No. 174, an Act for the relief of Benjamin F. Marshall, late Sheriff of Calaveras county.

Read first and second time and referred to Committee on Claims, with instructions to report on to-morrow.

#### SENATE MESSAGE.

I am instructed to inform the Assembly that the Senate passed on the 6th inst. a bill for "an Act to authorize the administrator of the estate of Richmond Lumpkins deceased to pay over the monies of said estate to James M. Waller," and yesterday "an Act for the relief of John Skinker, and others," which are herewith respectfully presented.

JOHN Y. LIND,  
Secretary.

Senate bill, No. 175, above reported.

Read first and second time and passed,

And the title was amended.

Senate amendment to Assembly bill, No. 236, for the relief of John Skinker, and others.

Concurred in by the House.

## SENATE MESSAGE.

I am instructed to inform the Assembly that the Senate passed this day the accompanying resolution granting leave of absence to John R. McConnell, Attorney General.

JOHN Y. LIND,  
Secretary.

Senate Concurrent Resolution, above reported, on its adoption Messrs. O'Neil, Hoff and Ashley demanded the yeas and nays.

## YEAS.

Messrs. Bagley, Bowie, Briggs, Dannels, Dawley, Ewer, Fairfield, French, Hastings, Herbert, Houghtaling, James, Lindsey, Mandeville, Musser, Myres, McBrayer, McDonald, McDuffie, McKinney, Nichols, Noel, O'Neil, J. W. Park, Pratt, Ring, Rowan, Spencer, Springer, Stowe, Sweetland, Tallmadge, Whitman and Mr. Speaker—35.

## NAYS.

Messrs. Ashley, Bradford, Conness, Gordon, Hagans, Henry, Hoff, Hubert, Hunt, Hunter, Irwin, Jones, Kellogg, Koll, Letcher, Purdy, Stemmons, Sweasey, Warmcastle and Watkins—20.

So the resolution passed.

Mr. Irwin gave notice that on to-morrow he would move to reconsider the vote just taken.

Mr. James gave notice that on to-morrow he would move to reconsider the vote upon the bill of Escheated Estates.

## SENATE MESSAGE.

I am instructed to inform the Assembly that the Senate passed yesterday—Assembly bill for an Act to change the name of the Sutter, Jackson and Drytown Water and Mining Company to that of the Jackson Water Company.

And the following Senate bills, viz:

An Act to prevent the disposal of the reversionary interest of the State in certain property in the city of San Francisco.

An Act to authorize the Court of Sessions of Trinity county to levy a special tax for purposes therein mentioned; and,

An Act to amend section 674 of an Act entitled an Act to regulate proceedings in criminal cases, passed May 1, 1851.

Which are herewith respectfully presented.

JOHN Y. LIND,  
Secretary.

Senate bill No. 141, above reported, read first and second time and referred to Judiciary Committee.

Senate bill No. 197, above reported, read first, second and third time and passed.

Senate bill No. 203, above reported, read first and second time and referred to Judiciary Committee.

## SENATE MESSAGE.

I am instructed to inform the Assembly that the Senate passed, on Saturday last, the following bills, viz :

An Act to amend an Act declaring certain rivers and creeks navigable, passed February 18, 1851, and to amend an Act amendatory thereto, passed May 17, 1853.

An Act to fix the compensation of the Board of Supervisors of Tuolumne county ;

An Act defining the boundaries between the counties of Santa Barbara and San Louis Obispo,

Which are herewith respectfully presented.

JOHN Y. LIND, Secretary.

Senate bill no 182, in reference to Navigable Rivers ;

Read first and second time and referred to Committee on Commerce.

Senate bill No. 198, above reported ;

Read first, second and third time, and passed.

Senate bill No. 200, above reported ;

Read first, second and third time, and passed.

Mr. Tivy, chairman, made the following report :

The Joint Committee on Enrollment, on yesterday the 10th instant, presented to his Excellency, the Governor. for his approval, the following Acts, viz :

An Act to provide offices for certain county officers in the county of Sacramento,

An Act to prevent the destruction of fish in the waters of the Stockton slough and Mormon slough, in San Joaquin county ;

An Act to authorize the Mayor and Common Council of the city of Sacramento to levy and collect a special tax for the redemption of the bonds of said city ;

An Act for the relief of Carlos Isarda ;

An Act granting to the electors of Calaveras county the privilege to vote for, or against, a division of said county, and organize the county of Amador ;

An Act fixing the age of majority of Males and Females in this State ;

An Act to appropriate money to enable the Trustees of the Insane Asylum to erect an additional building, and to enclose the ground belonging to the Asylum,

And Joint Resolutions in relation to the Nebraska Bill introduced into the Senate of the United States, on January 23, 1854.

And they have examined and find correctly enrolled, the following Acts, viz :

An Act amendatory of and supplementary to an Act, entitled an Act concerning the Courts of Justice of this State, and Judicial Officers, passed May 19, 1853.

An Act in respect to Insurance for lives, for the benefit of married women.

An Act to authorize the Treasurer to issue duplicate Land Warrants to John D. Brower.

An Act prescribing the manner of commencing and maintaining suits by, or against counties.

An Act declaring the consent of the State of California, to the purchase by the United States, of Signor or Mare Island, to relinquish the title and interest of the State in overflowed portions of said Island, and to vest the jurisdiction over the same, in the United States, for the purposes therein specified.

Also, Concurrent Resolutions in relation to Cheap Ocean Postage, and Concurrent Resolutions in relation to goods destroyed by fire.

JOS. A. TIVY,

Chairman of Committee on Enrollment

The following message was received from the Senate :

I am instructed to inform the Assembly that the Senate passed on the 6th inst. a bill for—

An Act supplementary to and amendatory of an Act entitled an Act to provide the measurement of Lumber, passed April 30, 1853.

Which is respectfully presented.

JOHN Y. LIND,  
Secretary

Senate bill No. 183, above reported, read first time and ordered to a second reading on to-morrow.

Mr. Letcher moved to reject the bill.

Mr. O'Neil moved a call of the House.

Mr. Bennett moved the previous question.

Not sustained.

Upon the vote to reject the bill Messrs. Letcher, Mandeville and Sweasey demanded the yeas and nays.

#### YEAS.

Messrs. Bennett, Bowie, Bradford, Briggs, Burton, Carr, Clingan, Conness, Cornwall, Ewer, Gordon, Hagans, Hastings, Hoyt, Hubert, Hunter, Jones, Letcher, Mandeville, McDonald, Noel, Spencer, Stowe, Sweasey, Sweetland, Tallmadge, Tivy, Warmcastle, Watkins and Whitman—30.

#### NAYS.

Messrs. Ashley, Bagley, Carrillo, Dawley, Fairfield, French, Gilbert, Godard, Griffith, Henry, Herbert, Hoff, Horr, Houghtaling, Hubbard, Hunt, Irwin, James, Kellogg, Koll, Musser, Myres, McBrayer, Nichols, O'Neil, F. A. Park, J. W. Park, Tatt, Purdy, Ring, Rowan, Springer and Mr. Speaker—33.

So the bill was not rejected.

The hour of 1 o'clock having arrived the special order was taken up, which was Senate bill No. 110, Revenue bill.

Mr. Bagley moved to postpone the special order for one hour.

Not agreed to.

Mr. Conness moved to postpone for one half hour.

Agreed to.

Mr. Tivy made the following report :

The Joint Committee on Enrolled Bills have examined and find correctly enrolled—

An Act to establish Pilots and Pilot Regulations for the port of San Francisco.

The following message was received from the Senate :

I am instructed to inform the Assembly that the Senate passed on the 3d inst. a bill for



An Act to provide for funding the debt of Contra Costa county, for the payment of the interest thereon, and for the gradual liquidation of the debt.  
Which is herewith respectfully presented.

JOHN Y. LIND,  
Secretary.

The bill was read first time, and was, on motion of Mr. Warmcastle, rejected.

The following message was also received from the Senate :

I am instructed to inform the Assembly that the Senate passed yesterday the following bills, viz :

An Act to change the name of Henry St. Clair to that of Henry St. Clair Lot and

An Act allowing James Golden to collect tolls on a certain road in Sierra county—which are herewith respectfully presented.

JOHN Y. LIND,  
Secretary.

Senate bill, No. 212, above reported, read first and second time, and rule suspended. Read a third time and passed.

Mr. Sweetland, agreeable to previous notice, moved to reconsider the vote which passed on yesterday, the Extension Bill of San Francisco.

Mr. Conness moved to lay the motion on the table.

Mr. Sweetland moved a call of the House.

The call was sustained.

The roll was called and the following members were absent :

Messrs. Ewer, French, Herbert, Hoyt, Hunt, Hunter, Koll, Lindsey, McDuffie, McGee, J. W. Park, Stevenson, Sweasey, Tallmadge, Tivy and Van Cleft.

Messrs. Godard, Purdy, Tallmadge, McDuffie, Lindsey, Koll, French, Bagley, Pratt, J. W. Park, Ewer and Sweasey, were admitted within the Bar of the House.

On motion of Mr. Bagley further proceedings under the call was dispensed with. On the motion to lay the motion to reconsider on the table, Messrs. Mandeville, Burton and Sweetland demanded the yeas and nays.

#### YEAS.

Messrs. Anderson, Ashley, Ballou, Bennett, Bostwick, Bradford, Briggs, Conness, Dannels, Davidson, Dawley, Fairfield, French, Godard, Gordon, Griffith, Hollister, Horr, Hunt, Irwin, Jones, Kellogg, Musser, Myres, McBrayer, McDonald, McKinney, F. A. Park, Ring, Rowan, Spencer, Springer, Tallmadge and Warmcastle—33.

#### NAYS.

Messrs. Bagley, Bowie, Bradford, Burton, Carr, Carrillo, Clingan, Cornwall, Ewer, Gilbert, Hagans, Hastings, Henry, Hoff, Houghtaling, Hubbard, Hubert, James, Koll, Letcher, Lindsey, Mandeville, McDuffie, McDaniel, Nichols, Noel, O'Neil, J. W. Park, Purdy, Stemmons, Stowe, Sweasey, Sweetland, Watkins, Whipple, Whitman and Mr. Speaker—37.

So the motion was not laid on the table.

Mr. James moved the previous question

Mr. Griffith moved a call of the House.

Not sustained.

On the previous question Messrs. Conness, McDonald and Hollister demanded the yeas and nays.

YEAS.

Messrs. Bagley, Bowie, Bradford, Burton, Carr, Carrillo, Cornwall, Ewer, Gilt, Hagans, Hastings, Henry, Hoff, Houghtaling, Hubbard, Hubert, James, Koll, Letcher, Lindsey, Mandeville, McDuffie, McDaniel, Nichols, Noel, J. W. Park, Purdy, Stemmons, Stowe, Sweasey, Sweetland, Watkins, Whipple, Whitman and Mr. Speaker—35.

NAYS.

Messrs. Ballou, Bennett, Bostwick, Briggs, Conness, Dannels, Davidson, Dawley, Fairfield, French, Godard, Gordon, Griffith, Hollister, Horr, Hunt, Irwin, Jones, Kellogg, Musser, Myres, McDonald, McKinney, O'Neil, F. A. Park, Ring, Rowan, Spencer, Springer, Stevenson, Tallmadge, Van Cleft and Warmcastle—35.

There being an equal vote the motion was lost.

Mr. Griffith moved a call of the House, and

Messrs. Dawley, Griffith and Burton, demanded the yeas and nays.

YEAS.

Messrs. Anderson, Ashley, Bagley, Ballou, Bennett, Bostwick, Briggs, Conness, Dannels, Davidson, Dawley, Fairfield, French, Godard, Gordon, Griffith, Hollister, Horr, Hunt, Irwin, Jones, Kellogg, Musser, Myers, McBrayer, McDonald, McKinney, Nichols, O'Neil, F. A. Park, Purdy, Ring, Spencer, Springer, Stevenson, Tallmadge, Van Cleft and Warmcastle—37.

NAYS.

Messrs. Bowie, Bradford, Burton, Carr, Carrillo, Cornwall, Ewer, Gilbert, Hagans, Hastings, Henry, Hoff, Houghtaling, Hubbard, Hubert, Koll, Letcher, Lindsey, Mandeville, McDuffie, McDaniel, Noel, J. W. Park, Stemmons, Stowe, Sweasey, Sweetland, Watkins, Whipple, Whitman and Mr. Speaker—31.

The call was sustained.

The roll was called and the following members were absent :

Messrs. Clingan, Godard, Hoyt, James, Tivy and Whitman.

On motion of Mr. Griffith, further proceedings under the call was dispensed with.

Mr. Conness moved to indefinitely postpone the motion to reconsider, and demanded the previous question.

The previous question was sustained.

Upon the motion to indefinitely postpone, Messrs. Carr, Carrillo, and Sweetland, demanded the yeas and nays.

## YEAS.

Messrs Anderson, Ashley, Ballou, Bennett, Bostwick, Briggs, Conness, Danne Davidson, Dawley, Fairfield, French, Godard, Gordon, Griffith, Hollister, Hoyt, Hunt, Hunter, Irwin, Jones, Kellogg, Musser, Myres, McBrayer, McDoald, McKinney, O'Neil, F. A. Park, Ring, Rowan, Spencer, Springer, Stevenson Tallmadge, Van Cleft and Warmcastle—38.

## NAYS.

Messrs. Bagley, Bowie, Bradford, Burton, Carr, Carrillo, Clingan, Cornwa Ewer, Gilbert, Hagans, Hastings, Henry, Herbert, Hoff, Houghtaling, Hubbar Hubert, James, Koll, Letcher, Lindsey, Mandeville, McDuffie, McDaniel, Nichol Noel, J. W. Park, Purdy, Stemmons, Stowe, Sweasey, Sweetland, Watkins, Whiple, Whitman and Mr. Speaker—37.

So the motion was indefinitely postponed.

Mr. Nichols presented the following protest :

The delegation representing the county of San Francisco in the Assembly unanimously desire to enter this their solemn protest upon the Journals of the Assembly against the passage of the Act extending the water front of the city of San Francisco.

The delegation deem it unnecessary to reiterate the grounds so often and forcibly urged against the measure proposed, thinking its rank injustice shows boldly on its face.

NICHOLS,  
GILBERT,  
BAGLEY,  
PURDY,  
GREEN,  
HUBBARD,  
KOLL,  
SWEASEY

The following message was received from the Senate :

I am instructed to inform the Assembly that the Senate passed this day Assembly bill for an Act to amend section seventh of an Act entitled an Act concerning the office of Surveyor General.

Which is herewith presented.

JOHN Y. LIND,  
Secretary.

Mr. Conness moved to take a recess until 5 P. M.

Not agreed to.

Senate bill No. 194, in reference to the collection of Tolls by James Golden Read first and second time and referred to delegation from Sierra county.

The following message was received from the Senate :

The Senate have this day passed Assembly bill for the protection of Game, with amendments, to which they ask your concurrence.

Also, that they have passed Assembly bill for an Act amendatory of an Act to

provide for the permanent location of the Seats of Justice of the several counties of this State.

JOHN Y. LIND,  
Secretary.

The amendment of the Senate to Assembly bill No. 230 concurred in by the House.

The following message was also received from the Senate :

I am instructed to inform the Assembly that the Senate passed, this day, a bill for an Act to amend an Act concerning the *per diem* of officers of the Senate and Assembly, passed January 21, 1854.

JOHN Y. LIND, Secretary.

Senate bill No. 189, above reported,  
Read first and second time, and referred to Committee of Ways and Means.

Further message from the Senate :

I am instructed to inform the Assembly that the Senate passed, on the 8th inst., a bill for

An Act concerning Public Fences and Toll Bridges ; and

An Act authorizing John Caruthers to build and construct a turnpike or gravel road from the city of Stockton to the towns of Sonora and Columbia, in Tuolumne county ; and on the 9th inst.,

An Act for the relief of soldiers called out by the Governor to suppress Indian difficulties in Los Angeles and San Diego counties, in the year eighteen hundred and fifty-two ;

Which are herewith respectfully submitted.

JOHN Y. LIND, Secretary.

Senate bill No. 140, concerning Public Ferries and Toll Bridges :

Read first and second time and referred to Committee on Roads and Highways.

Senate bill No. 190 in reference to a Turnpike road ;

Read first and second time, and referred to Committee on Roads and Highways.

Senate bill 101, for relief of soldiers near San Diego ;

Read first and second time, and referred to Committee on Indian Affairs.

Mr. Ashley, from the Monterey delegation reported back Assembly bill No. 337,

An Act to abolish the Board of Supervisors in the county of Monterey, and to confer the jurisdiction over county business upon the Court of Sessions, with a recommendation that it pass.

Bill considered as engrossed, read third time and in accordance with the committee recommendation, passed.

The following message was received from the Senate :

I am instructed to inform the Assembly that the Senate passed, this day, a bill for an Act amendatory of and supplementaty to an Act entitled an Act to authorize the formation of corporations for the construction of Plank and Turnpike roads, passed May 12, 1853.

JOHN Y. LIND, Secretary.



Senate bill No. 193, above reported ;

Read first and second time, and referred to Committee on Roads and Highways.

Mr Bostwick, chairman, made the following report :

The Committee on Accounts and Expenditures, to which was referred Assembly bill No. 344, an Act in reference to the Journals of the Senate and Assembly, report the same back without amendment, and recommend its passage.

Also, Assembly bill No. 343, an Act to amend an Act concerning the per diem of Officers of the Senate and Assembly, passed January 4, 1854, and recommend its indefinite postponement.

Also, Senate bill No. 147, an Act to regulate the payment by the State Treasurer of the warrants of the Comptroller of this State, report the same back with an amendment, and recommend its passage.

J. H. BOSTWICK,  
Chairman.

Assembly bill No. 344, above reported, taken up for consideration.

On motion of Mr. O'Neil, the House resolved itself into Committee of the Whole, to consider the bill, Mr. Hoff in the chair ;

After spending some time in its consideration, on motion of Mr. Bradford, the Committee rose, reported the bill back, and were discharged.

The bill was then considered as engrossed, read third time, and passed.

Assembly bill No. 343, also reported by the Committee on Accounts, on motion of Mr. Hoff, laid on the table.

Senate bill 147, reported by Committee on Public Expenditures and Accounts—

Mr. Herbert moved to indefinitely postpone the bill.

Mr. Bradford demanded the previous question, which was sustained.

The bill was then indefinitely postponed.

Mr. Bradford moved to take a recess until 7, P. M.

Not agreed to.

Mr. Herbert moved to take a recess until half past 7.

Not agreed to.

Mr. Bagley made the following report :

Your Committee have had under their consideration the bill relating to an Act regulating the duties of Harbor Master of the county of San Francisco, and recommend its passage.

DAWLEY.  
BAGLEY.

Assembly bill No. 338, above reported, considered as engrossed, read a third time, and passed.

On motion of Mr. Conness, Senate bill No. 110, an Act to provide Revenue for the support of the Government of this State, special order for to-day, made special order for to-morrow, at half past 10 A. M.

Mr. Dawley, chairman, made the following report :

The Committee on Commerce have had under consideration Assembly bill No. 314, amended first and fourth sections, beg leave to report the same back, and recommend its passage.

Also, Senate bill No. 131, and Assembly bills Nos. 331, 294, 303, and beg leave

to report the same back without recommendation, and ask to be discharged from their further consideration.

Assembly bill No. 314, "An Act to provide for the measurement of merchandise arriving at the port of San Francisco," above reported.

Mr. Stowe moved to indefinitely postpone the bill, and

Messrs. Dannels, Hoff, and McDuffie, demanded the yeas and nays:

## YEAS.

Messrs. Anderson, Bowie, Briggs, Burton, Carr, Gordon, Hagans, Hastings, James, Letcher, Lindsey, McDuffie, McDaniel, McKinney, Noel, Spencer, Stevenson, Stowe, Sweasey, Watkins, and Whipple—21.

## NAYS.

Messrs. Ashley, Bagley, Ballou, Bradford, Cornwall, Dannels, Dawley, Fairfield, French, Gilbert, Godard, Griffith, Herbert, Hoff, Hollister, Horr, Hoyt, Hubbard, Hunt, Irwin, Jones, Kellogg, Koll, Musser, Myres, McBrayer, McDonald, Nichols, O'Neil, F. A. Park, Pratt, Purdy, Ring, Rowan, Springer, Stemmons, Van Cleft, Whitman, and Mr. Speaker—39.

So the House refused to indefinitely postpone the bill.

Mr. Irwin moved the previous question, and

Messrs. Carr, Hubbard, and McDuffie, demanded the yeas and nays:

## YEAS.

Messrs. Ashley, Davidson, Dawley, Fairfield, French, Gilbert, Godard, Herbert, Hoff, Hollister, Horr, Hoyt, Hubbard, Hunt, Irwin, Kellogg, Koll, Myres, McBrayer, McDonald, O'Neil, F. A. Park, Pratt, Purdy, Ring, Van Cleft, Warmcastle, and Mr. Speaker—28.

## NAYS.

Messrs. Anderson, Ballou, Bostwick, Bowie, Bradford, Briggs, Burton, Carr, Carrillo, Conness, Cornwall, Dannels, Ewer, Griffith, Hagans, Hastings, Houghtaling, Hubert, Hunter, James, Jones, Letcher, Lindsey, Musser, McDuffie, McDaniel, McKinney, Nichols, Noel, Spencer, Springer, Stemmons, Stevenson, Stowe, Sweasey, Tallmadge, Tivy, Watkins, Whipple, and Whitman—40.

So the previous question was not sustained.

The amendments offered by the committee were then adopted.

Mr. Letcher offered the following amendment:

The provisions of this Act shall not be construed to compel any party to have goods measured except upon application or demand of the party receiving such goods.

Mr. Whitman moved to lay the amendment on the table.

Not agreed to.

Mr. Stevenson moved to strike out the enacting clause of the bill, and

Messrs. Carr, Hastings and Noel demanded the yeas and nays.

## YEAS.

Messrs. Anderson, Bennett, Bowie, Bradford, Burton, Carr, Clingan, Conness, Cornwall, Gordon, Hagans, Hastings, Henry, Houghtaling, Hubert, James, Letcher, Lindsey, Mandeville, McDuffie, McDaniel, McKinney, Noel, Spencer, Stowe, Sweasey, Tallmadge, Warmcastle, Watkins, Whipple and Whitman—33.

## NAYS.

Messrs. Ashley, Ballou, Bostwick, Dannels, Davidson, Dawley, Ewer, Fairfield, French, Gilbert, Godard, Griffith, Herbert, Hoff, Hollister, Horr, Hoyt, Hubbard, Hunt, Hunter, Irwin, Kellogg, Koll, Musser, Myres, McBrayer, McDonald, Nichols, O'Neil, F. A. Park, J. W. Park, Pratt, Purdy Ring, Stemmons, Tivy, Van Cleft and Mr. Speaker—38.

So the motion to strike out the enacting clause was lost.

Mr. O'Neil moved the previous question.

Mr. Conness moved to lay the bill on the table.

Not agreed to.

The previous question was then sustained.

On the adoption of the amendment offered by Mr. Letcher,

Messrs. Conness, Mandeville and Gordon, demanded the yeas and nays.

## YEAS.

Messrs. Anderson, Ashley, Bagley, Ballou, Bennett, Bostwick, Bradford, Burton, Carr, Clingan, Conness, Cornwall, Dannels, Ewer, Godard, Gordon, Griffith, Hagans, Hastings, Henry, Hollister, Horr, Houghtaling, Hoyt, Hubert, Hunt, Hunter, James, Jones, Kellogg, Letcher, Lindsey, Mandeville, Musser, Myres, McDuffie, McDaniel, McKinney, Nichols, Noel, Spencer, Stemmons, Stevenson, Stowe, Sweasey, Tallmadge, Tivy, Warmcastle, Watkins, Whipple, Whitman and Mr. Speaker—52.

## NAYS.

Messrs. Bowie, Dawley, Fairfield, Gilbert, Hoff, Hubbard, Irwin, Koll, McBrayer, J. W. Park, Pratt, Purdy, Ring and Van Cleft—14.

So the amendment was adopted.

The bill was then read a third time.

Mr. Hastings moved the previous question, which was sustained.

On the passage of the bill Messrs. Stowe, Mandeville and McDuffie, demanded the yeas and nays.

## YEAS.

Messrs. Bagley, Ballou, Dannels, Dawley, Ewer, Gilbert, Godard, Griffith, Hoff, Hoyt, Hubbard, Hunt, Irwin, Kellogg, Koll, O'Neil, F. A. Park, J. W. Park, Pratt, Purdy, Ring and Mr. Speaker—22.

NAYS.

Messrs. Anderson, Ashley, Bennett, Bowie, Bradford, Burton, Carr, Clingan, Inness, Cornwall, Fairfield, Gordon, Hagans, Hastings, Henry, Herbert, Hollister, Irwin, Houghtaling, Hubert, Hunter, James, Jones, Letcher, Lindsey, Mandeville, Myres, McDuffie, McDaniel, McKinney, Nichols, Noel, Spencer, Springer, Commons, Stevenson, Stowe, Sweasey, Tallmadge, Tivy, Warmcastle, Atkins, Apple and Whitman—45.

So the bill was lost.

On motion, the House adjourned until 10 o'clock to-morrow.

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HOUSE OF ASSEMBLY

FRIDAY, May 12, 1854.

House met pursuant to adjournment.

The roll was called, and the following members were absent :

Messrs. Ashley, Bagley, Ballou, Bradford, Carr, Clingan, Dawley, Gilbert, Griffith, Herbert, Hubert, Irwin, James, Myres, McBrayer, McDuffie, McGee, McKinney, Nichols, F. A. Park, Purdy, Rowan, Sweetland, Tallmadge, Van Cleft and Whitman.

The Journal of Thursday was read and approved.

Half-past 11 o'clock the special order was taken up, which was Senate bill No. 1, to provide Revenue for the support of the Government of this State.

On motion of Mr. O'Neil, the House resolved itself into Committee of the whole, Mr. O'Neil in the chair, to consider the bill.

After spending some time in its consideration, and making amendments thereto, on motion, the committee rose, reported the bill back as amended, and the committee was discharged.

Mr. O'Neil, chairman, made the following report :

The Committee on Engrossment have examined, and find correctly engrossed—  
An Act to adjust the amount of indebtedness of the county of Alameda to the city of Contra Costa, and provide for the payment thereof.

An Act to authorize the construction of a Lock on the Alameda River.

An Act to authorize Frederick D. Kohler and Thomas H. Dowling to hold and survey certain lands in the Bay of San Francisco.



An Act to change the name of Mary Elizabeth McGreece to Mary Elizabeth Hastings.

An Act to amend an Act concerning fees in office, passed May 1, 1851.

An Act to authorize the Comptroller of State to issue a Duplicate Warrant to W. Langton.

An Act to amend an Act concerning passengers arriving in ports of the State of California, passed May 3, 1853.

An Act to abolish the Board of Supervisors in the county of Monterey, and confer the jurisdiction over county business upon the Court of Sessions.

An Act regulating the duties of Harbor Master of the port of San Francisco, passed May 1, 1852.

An Act to compensate H. Gomez Mauriz for translating into Spanish, &c.

Mr. Tivy, chairman, made the following report :

The Joint Committee on Enrollment, on yesterday, the 11th instant, presented to his Excellency, the Governor, for his approval, the following Acts, viz :

An Act amendatory of and supplementary to an Act entitled an Act concerning the Courts of Justice of this State, and Judicial Officers, passed May 19, 1853.

An Act in respect to Insurance for lives for the benefit of married women.

An Act to authorize the Treasurer to issue duplicate Land Warrants to John Brower.

An Act prescribing the manner of commencing and maintaining suits by and against counties.

An Act declaring the consent of the State of California, to the purchase by the United States, of Signor or Mare Island, to relinquish the title and interest of the State in overflowed portions of said Island, and to vest the jurisdiction over the same, in the United States, for the purposes therein specified ; also,

Concurrent Resolutions in relation to Cheap Ocean Postage ; and

Concurrent Resolutions in relation to goods destroyed by fire.

And they have examined and find correctly enrolled, the following Acts, viz :

An Act for the relief of H. S. Jackson and William Buchanan.

An Act to authorize the Comptroller to issue duplicate Warrants.

An Act amendatory of an Act to amend an Act relating to Corporations.

An Act to Incorporate the town of Placerville.

An Act for the relief of John Skinker and others.

An Act amendatory of an Act to provide for the permanent location of the Court of Justice of the several counties of this State, passed April 11, 1850.

An Act to change the name of the Sutter, Jackson and Drytown Water Mining Company, to that of the Jackson Water Company.

JOS. A. TIVY,

Chairman Committee on Enrollment

Mr. Whitman moved the previous question on the Revenue bill.

Mr. Conness moved to lay the motion on the table.

Not agreed to.

On the motion made by Mr. Whitman, Messrs. Griffith, Van Cleft and Jackson demanded the yeas and nays.

YEAS.

Messrs. Ashley, Bagley, Bennett, Bowie, Bradford, Carr, Carrillo, Cling, Cornwall, Dannels, Green, Hagans, Hastings, Henry, Herbert, Houghtaling, H. Hunter, James, Letcher, Mandeville, McBrayer, McDuffie, Stevenson, Stowe, T. Warmcastle, Watkins, Whitman and Mr. Speaker—30

Messrs. Anderson, Ballou, Bostwick, Burton, Conness, Dawley, Ewer, Fairfield, Herbert, Gordon, Griffith, Hoff, Hollister, Horr, Hoyt, Hubbard, Hubert, Irwin, Kellogg, Koll, Lindsey, Musser, Myres, McDonald, McDaniel, McKinney, Nichols, Noel, O'Neil, F. A. Park, J. W. Park, Pratt, Ring, Rowan, Spencer, Singer, Stemmons, Sweasey, Sweetland, Tallmadge, Van Cleft and Whip-

The previous question was not sustained.

On motion of Mr. Mandeville, the bill was made the special order for 8 o'clock P. M.

The following message was received from the Senate :

I am instructed to inform the Assembly, that the Senate passed this day, the following Act :

An Act making appropriations to meet the civil expenditures of the Government this State, accruing prior to the first day of February, eighteen hundred and fifty, and estimated deficiencies in appropriations heretofore made to meet the current expenses of Government from the first day of February, 1854, to the first day of February, 1855.

JOHN Y. LIND,  
Secretary.

Senate bill, No. 94, above reported, read first and second time, and

On motion of Mr. Van Cleft, the House resolved itself into Committee of the whole, Mr. Van Cleft in the chair, to consider the bill.

After spending some time in its consideration, and amending the same, on motion, the committee rose, reported the bill back to the House as amended, and asked leave to sit again.

Leave granted to sit again.

On motion of Mr. Bradford, the House took a recess until 8 o'clock, P. M.

EIGHT O'CLOCK, P. M.

The House met pursuant to adjournment.

Mr. Ashley moved to adjourn.

Not agreed to.

Mr. Griffith moved to pass over the special order temporarily.

Agreed to.

Mr. Irwin moved to take up Senate bill, No. 183, and read it a second time.

Mr. Anderson moved to adjourn.

Not agreed to.

On the motion to read the bill a second time,

Messrs. Letcher, Stowe and Ashley, demanded the yeas and nays.

YEAS.

Messrs. Bagley, Ballou, Bradford, Carrillo, Dannels, Gilbert, Godard, Herbert, Hoff, Horr, Houghtaling, Hoyt, Hubbard, Irwin, Jones, Kellogg, Koll, Musser, Myres, McBrayer, McDonald, McDaniel, Nichols, O'Neil, F. A. Park, J. W. Park,

Pratt, Purdy, Rowan, Springer, Stevenson, Van Cleft, Watkins and Mr. Speaker—34.

## NAYS.

Messrs. Anderson, Ashley, Bowie, Burton, Clingan, Conness, Cornwall, Gordon Griffith, Hagans, Hastings, Henry, James, Letcher, Lindsey, Mandeville, McDuffie, McDuffie, Noel, Spencer, Stemmons, Stow, Sweasey, Warmcastle and Whitman—24.

So the House resolved to read the bill a second time.

Mr. Van Cleft moved to refer the bill to Committee on Commerce.

Agreed to.

Mr. F. A. Park offered a concurrent resolution in reference to deeds to certify property in the city of Sacramento.

Resolution adopted.

Mr. Conness moved to go into Committee of the Whole upon the Revenue bill. Mr. James, agreeable to previous notice, moved to reconsider the vote by which Assembly bill No. 267, in reference to escheated estates, was lost.

Mr. Conness moved to lay the motion on the table.

Not agreed to.

The vote was reconsidered.

Mr. Van Cleft moved to lay the bill on the table.

Not agreed to.

Mr. Whitman moved to recommit the bill to the Committee of Ways and Means. Agreed to.

Mr. Whitman offered instructions to the Committee.

Mr. Hoyt offered a substitute to the instructions offered by Mr. Whitman.

Not agreed to.

The instructions of Mr. Whitman were adopted.

Mr. Conness offered additional instructions to strike out of the bill the Secretary of State and Comptroller, and

Messrs. Ballou, Conness, and Tallmadge, demanded the yeas and nays :

## YEAS.

Messrs. Anderson, Ashley, Bagley, Ballou, Clingan, Conness, Davidson, Gilbert, Godard, Gordon, Griffith, Hollister, Hoyt, Hubbard, Hubert, Hunt, Jones, Kellogg, Koll, Letcher, Musser, Myres, McBrayer, McDonald, O'Neil, F. A. Park, Pratt, Purdy, Ring, Rowan, Spencer, Springer, Sweasey, Tallmadge, Van Cleft, Warmcastle and Mr. Speaker—37.

## NAYS.

Messrs. Bradford, Briggs, Burton, Carrillo, Cornwall, Hagans, Hastings, Henry, Herbert, Hoff, Horr, Houghtaling, James, Lindsey, Mandeville, McDuffie, McDaniel, McKinney, Nichols, Noel, J. W. Park, Stemmons, Stevenson, Stowe, Tivy, Watkins, Whipple and Whitman—28.

So the instructions were adopted.

Mr. Whitman moved to reconsider the vote just taken to recommit the bill to the Committee on Ways and Means, and

Messrs. Tallmadge, Whitman and Ballou demanded the yeas and nays.

## YEAS.

Messrs. Bagley, Bradford, Burton, Carrillo, Cornwall, Gordon, Hastings, Henry, Herbert, Hoff, Houghtaling, Lindsey, Mandeville, McDuffie, McDaniel, McKinney, Noel, J. W. Park, Stemmons, Warmcastle, Watkins, Whipple, Whitman and Mr. Speaker—24.

## NAYS.

Messrs. Anderson, Ashley, Ballou, Clingan, Conness, Davidson, Gilbert, Godard, Griffith, Hagans, Hollister, Horr, Hoyt, Hubbard, Hubert, Hunt, Irwin, James, Jones, Koll, Letcher, Myres, McBrayer, McDonald, Nichols, O'Neil, F. A. Park, Pratt, Purdy, Ring, Rowan, Spencer, Springer, Stevenson, Sweasey, Tallmadge, Tivy and Van Cleft—38.

So the House refused to reconsider the vote.

The motion of Mr. Conness to consider the Revenue bill, was then adopted, and on his motion

The House resolved itself into Committee of the Whole, Mr. Van Cleft in the chair, to consider the bill.

After spending some time in its consideration and amending the same,

On motion the committee rose, reported the bill back as amended, and asked to be discharged from its further consideration.

The committee was discharged.

Mr. Mandeville moved to lay the bill on the table.

Agreed to.

On motion of Mr. Mandeville, Senate bill, with a message from the Senate in reference to the Charter of Sonora, was taken up for consideration.

The following message was received from the Senate :

I am instructed to inform the Assembly that the Senate have, this day, passed Senate bill No. 218, for an Act to amend an Act to Incorporate the city of Sonora, passed May 1, 1851.

JOHN Y. LIND,  
Secretary.

Senate bill No. 218, above reported,  
Read first, second and third time, and passed.

Mr. O'Neil, chairman, made the following report :

The Committee on Engrossment, have examined and find correctly engrossed,  
An Act to take possession and dispose of certain Water Lot property in the Bay of San Francisco.

Mr. Conness moved to go into Committee of the Whole to consider the Revenue bill.

Not agreed to.

Mr. Hoff moved to go into the consideration of Senate message in reference to property in San Francisco.

Not agreed to.

Mr. Jones moved to adjourn,

Not agreed to.



On leave, Mr. Griffith made the following report :

The Committee on Roads and Highways, to whom was referred Senate bill No. 190, an Act authorizing John Carothers to build and construct a turnpike or gravel road from the city of Stockton to the towns of Sonora and Columbia, in Tuolumne county, have considered the same, report the bill back without amendment, and recommend its passage.

Senate bill No. 190, above reported,

Read a third time and passed.

On motion of Mr. Conness, the Revenue bill was taken from the table.

On motion of Mr. Stowe, the House concurred generally in the amendments made in Committee of the Whole.

Mr. Conness moved to amend the 41st section, by striking out sixty and inserting fifty.

Agreed to.

Mr. Godard moved to strike out the proviso from the section.

Not agreed to.

Mr. Kellogg moved to amend the 41st section of the bill.

Not agreed to.

Mr. Hoyt moved to reconsider the vote to strike out the proviso.

Not agreed to.

Mr. Godard moved to amend 41st section, eighth line, by striking out four and inserting three.

Not agreed to.

On motion of Mr. Whitman, the House resolved itself into Committee of the Whole, Mr. Van Cleft in the chair, to consider the bill.

After spending some time in its consideration, and amending the same,

On motion, the committee rose, reported the bill back as amended, and the committee was discharged.

On motion of Mr. Conness, the House adjourned until 10 o'clock to-morrow.

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## HOUSE OF ASSEMBLY.

SATURDAY, May 13, 1854.

House met pursuant to adjournment.

The roll was called, and the following members were absent :

Messrs. Bagley, Bowie, Briggs, Clingan, Cornwall, Dawley, French, Gilbert, Godard, Green, Hastings, Herbert, Hoff, Horr, Hoyt, Hubert, Irwin, James, McBrayer, McDuffie, McGee, McKinney, Nichols, O'Neil, F. A. Park, Pratt, Rowan, Springer, Van Cleft and Whitman.

The Journal of Friday, on motion of Mr. Conness, was not read.

Mr. Conness moved to go into the consideration of the Revenue bill.

Agreed to.

Mr. Conness moved to concur in the amendments made in Committee of the Whole.

Agreed to.

Mr. Whipple moved to strike out Siskiyou, Trinity and Klamath, in the 112th section.

Agreed to.

On motion of Mr Griffith, the 18th section was stricken out and a substitute inserted.

Mr. Warmcastle moved the previous question.

The previous question was sustained.

Mr. Ewer moved to reconsider the vote just taken.

The Speaker decided the question out of order.

From which decision Mr. Ewer appealed.

The decision of the Chair was sustained.

The bill was read a third time and passed.

On motion of Mr. Myres, 5,000 copies of Trask's Geological Report were ordered to be printed.

Mr. Conness moved to dispense with the regular order of business.

Not agreed to.

Mr. Bostwick made the following report :

The Committee on Corporations, to which was referred Assembly bill No. 252, an Act to prescribe rules and regulations for the disposal of Town Lots in this State under an Act of Congress entitled an Act, &c.

Also, Assembly bill No. 346, an Act to provide for the construction of a Telegraph line from Stockton to the Southern Mines.

Report the same back to the House without recommendation, not having time to make the necessary amendments.

J. H. BOSTWICK.

No action upon the bills.

Mr. Conness made the following report :

The Committee on Claims, to whom was referred Senate bill, 199, " an Act appropriating money for the payment of Cornelius Cole, for services as agent of the State," have had the same under consideration, and respectfully recommend its passage.

Also, Assembly bill, 270, " to provide John S. Bradford with duplicate warrants, in lieu of certain warrants lost or destroyed," which they recommend the passage of.

Also, Assembly bill, 353, " an Act for the relief of A. M. Winn."

Accompanying the above entitled Act, or bill, is a petition from several citizens of Sacramento, representing that the State of California should pay to A. M. Winn an amount of nearly twenty thousand dollars, (\$20,000,) and setting forth various kind and benevolent acts, which, they say, he performed in the years of 1849 and 1850.

Your committee have to express satisfaction that the character of a citizen of the State is thus certified to, and endorsed by so many of his most respectable fellow citizens, but in the opinion of your committee there is no basis for a claim on the State Treasury to be found in any of the certificates accompanying the bill. They therefore recommend that the bill do not pass.

They have also had under consideration Assembly bill, 345, "an Act for the relief of the city of San Jose," the first and only section of which reads as follows :

"The Comptroller of State is hereby authorized and required to draw his warrant, payable out of the General Fund, in favor of the Mayor and Common Council of the city of San Jose, for the sum of fifteen thousand"—What, the bill saith not ; nor does any accompanying document set forth.

Your committee have, therefore, no evidence of the character of the distress experienced by the Mayor and Common Council of San Jose, as implied in the section of the bill above referred to. So they report the bill back, and recommend its reference to the introducer thereof.

Your committee have also had under consideration, Senate bill, 174, "an Act for the relief of Benjamin F. Marshall, late Sheriff of Calaveras county." And your committee can find no good reasons for allowing the claim of said Marshall.

It seems from information which we have derived from various sources, that Benjamin F. Marshall was elected Sheriff of Calaveras county at the general election in 1851, and that his right to the office was contested by one Nelson. And it further appears, that pending this contest, a bill was passed by the Legislature investing the Treasurer of the county with power to collect taxes. After the adjudication of the case by the District Court for Calaveras county, which terminated favorably to Mr. Marshall, he resumed the collection of taxes, the Treasurer having been only authorized to act in such capacity temporarily. Mr. Marshall now claims that the collection of taxes was by right a part of his official business, and that the State having invested another person than him with those duties, therefore the State is responsible to him for the profits resulting from their performance, as much as if his election had not been contested, and no person had been appointed by authority of law to perform those duties.

Your committee are of opinion that the collection of taxes forms no part of a Sheriff's duties, except as it may be permitted by legislative authority. And that the Legislature have an undoubted right to confer such power upon any other person whenever in its judgment the public interests may require such to be done. And that as a consequence they but exercised a proper discretion in authorizing the performance of those duties by another officer than the Sheriff.

This position was ably set forth in the report of the Assembly Judiciary Committee to whom the bill had been referred in the session of 1852, to which we refer. The report will be found on page 655, Assembly Journal of that year.

Without examining as to amount of the account against the State, your committee, believing that to allow such a claim would not only seriously embarrass the financial interests of the State, but that it would establish, without legal pretence, a precedent dangerous to the welfare of the people, recommend that it do not pass.

CONNESS,  
FAIRFIELD.

The following report was made by Mr. Hoff, chairman of the committee.

A majority of your Committee on Claims have considered the claim of B. F. Marshall, former Sheriff of Calaveras county, and with due respect to the opinions of a minority of the committee, most respectfully dissent from the conclusions at which they arrive.

It appears from good and reliable testimony that B. F. Marshall was, in the year 1851, elected Sheriff of Calaveras county, and received his proper credentials from the then County Clerk. After the decease of the clerk, his successor, believing that an error existed in the canvass of votes for the sheriffalty, issued his certificate of election to one Waterman H. Nelson, who thereupon commenced suit in the District Court in the name of the State against said Marshall, which resulted in a verdict in



or of the latter ; this too in a court where the facts presented were known to all parties, and who were better capacitated to adjudicate an issue of this character than a tribunal far removed from the people over whom the officer was to exercise his functions.

The defeated party, however, disturbed the solemn fiat of the jury, and through direct intervention of the Attorney General appealed the case to the Supreme Court of the State. Such action in itself was not improper, nor opposed to the spirit of our laws, but after such appeal had been made the case was permitted to slumber upon the calendar, and at every period that it was brought forward for consideration it was placed again at its foot. This course was pursued by the State's officer until the franchises of the office were entirely consumed by another party, when a decision in the case was had before a full bench and the original verdict of the jury unanimously sustained. It is unnecessary to dwell on the injustice of such action, nor is it needful to present innumerable decisions of able jurists that a decision like this is opposed to the fundamental principles of good government.

Pending this controversy in the courts a bill special in its character was passed by the Legislature of 1852 conferring upon the Treasurer of Calaveras the power of collecting taxes, thereby depriving the sheriff of a portion of the legitimate emoluments of his office.

In view of these facts the majority of the committee consider the claim of B. F. Marshall entitled to the favorable consideration of the Assembly, and do most respectfully recommend the passage of the bill.

JOHN J. HOFF,  
Chairman.

On motion of Mr. Fairfield, the House resolved itself into Committee of the whole, Mr. Dannels in the chair, to consider the several bills reported by the committee.

After spending some time in their consideration, on motion, the committee rose, reported the bill back to the House, and asked to be discharged from their further consideration.

The committee was discharged.

Senate bill No. 199, for the relief of Cornelius Cole, read a third time and passed.

Assembly bill No. 270, to issue duplicate warrant to John L. Bradford, read a third time and passed.

Assembly bill No. 345, for relief of San Jose, read a third time, and referred to introducer, Mr. McKinney.

Assembly bill No. 353, read a third time, and, on motion, laid on the table.

Senate bill No. 174, for the relief of B. F. Marshall, on its passage.

Messrs. Pratt, McDonald, and Ballou, demanded the yeas and nays.

Mr. Bradford moved the previous question.

The previous question was sustained.

The vote was then taken on the passage of the bill by yeas and nays previously called.

#### YEAS.

Messrs. Bagley, Bennett, Bowie, Bradford, Briggs, Carrillo, Gilbert, Gordon, Griffith, Hagans, Hastings, Henry, Herbert, Hoff, Horr, Houghtaling, Hubbard, Hubert, Irwin, James, Kellogg, Koll, Myres, McBrayer, McDaniel, McKinney, Nichols, O'Neil, F. A. Park, J. W. Park, Purdy, Ring, Rowan, Spencer, Springer, Simmons, Stevenson, Stowe, Van Cleft, Whipple, Whitman, and Mr. Speaker—42.



## NAYS.

Messrs. Ashley, Ballou, Bostwick, Burton, Carr, Conness, Cornwall, Danna, Davidson, Dawley, Ewer, Hollister, Jones, Letcher, Lindsey, Mandeville, McDonald, Noel, Sweasey, Warmcastle, and Watkins—21.

So the bill passed.

The following message was received from the Senate :

I am instructed to inform the Assembly that the Senate have non-concurred certain amendments to an Act to provide Revenue for the support of the Government of this State, as shown in the bill herewith returned.

JOHN Y. LIND,  
Secretary.

The House refused to recede from their amendments, and asked a committee conference, and appointed on their part Messrs. Conness, Griffith, and Whipple.

Mr. Herbert, chairman, made the following report :

The Committee of Ways and Means, to whom was referred Senate bill No. 189, entitled an Act to amend an Act concerning the per diem of officers of the Senate and Assembly, passed January 21, 1854, have had the same under consideration and find that your committee cannot agree, therefore ask leave to report the bill back to the consideration for the House.

Senate bill No. 189, above reported.

On motion of Mr. Herbert, the House resolved into Committee of the Whole. Mr. Irwin in the chair, to consider the bill.

After spending some time in its consideration, on motion, the committee rose and reported the bill back to the House.

And the committee was discharged.

Mr. Jones moved to strike out all after the enacting clause of the bill.

Mr. Bostwick moved to strike out the enacting clause of the bill.

Mr. Herbert moved the previous question.

The previous question was sustained.

The motion then recurring upon the motion to strike out the enacting clause Messrs. Jones, Hastings and Godard demanded the yeas and nays.

## YEAS.

Messrs. Ashley, Bostwick, Burton, Ewer, Gordon, Hagans, Hastings, Jones, Letcher, Mandeville, McDonald, Noel, Stevenson, Sweasey, Warmcastle and Watkins—16.

## NAYS.

Messrs. Anderson, Bagley, Ballou, Bennett, Bowie, Bradford, Briggs, Carr, Carrillo, Dannels, Dawley, Fairfield, Gilbert, Godard, Henry, Herbert, Hoff, Horton, Houghtaling, Hoyt, Hubbard, Hubert, Hunt, Hunter, Irwin, James, Kellogg, Kolb, Lindsey, Musser, Myres, McBrayer, McKinney, Nichols, O'Neil, J. W. Park, Pratt, Purdy, Ring, Rowan, Spencer, Springer, Stemmons, Stowe, Sweetland, Tallmadge, Tivy, Van Cleft, Whitman and Mr. Speaker—51

So the House refused to strike out the enacting clause.

The bill was then read a third time.

Mr. Jones moved to recommit, with instructions to strike out all except what relates to porters and pages.

Not agreed to.

Mr. Myres moved the previous question.

The previous question was sustained.

On the passage of the bill Messrs. Jones, Ewer and Hagans demanded the yeas and nays.

YEAS.

Messrs. Bagley, Bennett, Bowie, Bradford, Briggs, Carr, Carrillo, Dawley, Fairchild, Gilbert, Godard, Henry, Herbert, Hoff, Horr, Houghtaling, Hoyt, Hubbard, Herbert, Hunt, Irwin, James, Koll, Lindsey, Myres, McBrayer, McKinney, Nichols, Neil, J. W. Park, Pratt, Purdy, Ring, Rowan, Spencer, Springer, Stemmons, Lowe, Sweetland, Van Cleft, Whitman and Mr. Speaker—42.

NAYS.

Messrs. Ashley, Bostwick, Burton, Cornwall, Ewer, Gordon, Hagans, Hastings, Ellister, Hunter, Jones, Letcher, Mandeville, McDonald, McDaniel, Noel, Stevens, Sweasey, Tivy, Warmcastle and Watkins—21.

So the bill passed.

Mr. Irwin moved to reconsider the vote just taken, and Mr. Herbert moved to definitely postpone the motion to reconsider.

The motion was indefinitely postponed.

The following report was made by Mr. Tivy:

The Joint Committee on Enrolled bills, have examined and find correctly enrolled, the following Acts and Resolutions, viz:

An Act to create a Contingent Fund to pay the postage of the members of the Legislature of the year 1854.

An Act to fix the compensation of the Board of Supervisors of Tuolumne county.

An Act to authorize the Court of Sessions of Trinity county to levy a special tax for the purposes therein mentioned.

An Act defining the boundaries between the counties of Santa Barbara and San Luis Obispo.

An Act to change the name of Henry St. Clair, to that of Henry St. Clair Lott.

An Act to authorize the Administrator of the estate of Richmond Lumpkins, deceased, to pay over the moneys of said estate to James M. Waller.

Concurrent Resolutions in relation to the soldiers of 1812.

Concurrent Resolution granting leave of absence to John R. McConnell, Attorney General of this State.

JOS. A. TIVY,  
Chairman Committee on Enrollment.

Mr. Myres, chairman, made the following report:

The undersigned, a minority of the Judiciary Committee, having considered Senate bill No. 150, entitled an Act to fix the place of residence of certain State officers, report the same back, and recommend its passage.

MYRES,  
GORDON  
HOYT.

Senate bill No. 150, above reported, on its third reading.

Mr. Sweetland moved a call of the House.

Call was sustained.

The roll was called, and the following members were absent :

Messrs. Davidson, French, Green, Henry, Hoff, Hollister, Hunt, Koll, McDuff, McGee, McKinney, Rowan, Springer and Whipple.

On motion of Mr. Herbert, further proceedings under the call were dispensed with.

Mr. Herbert, from Judiciary Committee, made the following report, for himself, Whitman, Warmcastle, Bowie, Hubert and Carr :

A majority of the Judiciary Committee, having considered Senate bill No. 1, entitled an Act to fix the residence of certain State officers, herewith report the same to the House and recommend its indefinite postponement.

Mr. Conness moved the previous question :

The previous question was sustained.

The bill was read a third time and passed.

Mr. Conness made the following report from committee of conference, on the disagreeing vote of the two Houses on the Revenue Bill :

The House recedes from amendment to section 8.

Senate concurs in House amendment to title of article 4.

House recedes from amendment to section 9.

Senate concurs in House amendment to section 11.

Also, in House amendment to section 12.

House recedes from second amendment to section 13.

Also, recedes from first amendment to section 14.

Also, recedes from its amendment to section 18.

Senate concurs in House amendment to section 54. Insert "and San Francisco" after "Shasta," in seventh line of printed bill, section 112. Re-number the sections from section 11, consecutively.

Report adopted.

Mr. Ashiey, from the Judiciary Committee, made the following report :

The Judiciary Committee have had under consideration, and herewith report the following entitled bills, viz :

Assembly bill, No. 348, entitled an Act concerning the office of Coroner.

Assembly bill, No. 351, entitled an Act for the protection of securities.

Assembly bill, No. 297, entitled an Act amendatory and supplementary to the Act concerning the Courts of Justice of this State and Judicial Officers, passed March 19, 1853.

Assembly bill, No. 172, entitled an Act to divide the Tenth Judicial District, and

to create a new Judicial District, and to fix the terms thereof, which, severally, the committee recommend do not pass.

Assembly bill, No. 316, entitled an Act to fix the place of holding the sessions of the Supreme Court.

The committee report to the House without recommendation.

Assembly bill, No. 332, entitled an Act repealing the 8th, 9th, and 10th sections of an Act approved May 18, 1853, entitled an Act amendatory and supplementary to an Act, entitled an Act to regulate proceedings in civil cases in the Courts of Justice of this State, is herewith reported to the House with the recommendation that it do not pass.

Assembly bill, No. 340, entitled an Act requiring notice to be given of applications to the Legislature, and

Assembly bill, No. 349, entitled an Act explanatory of an Act, entitled an Act to prohibit Lotteries, passed March 11, 1851.

The committee recommend that the same, severally, be passed.

Senate bill No. 141, entitled an Act to prevent the disposal of the reversionary interest of the State in certain property in the city of San Francisco, report the same back, and recommend its indefinite postponement.

Also Senate bill No. 203, entitled an Act to amend section 674 of an Act to regulate Proceedings in Criminal Cases, passed May 1, 1851, offer amendments to the bill, and recommend their adoption, and the passage of the bill.

Assembly bill No. 348, above reported, on its third reading :

Mr. Bagley moved the previous question.

The previous question was sustained.

The bill read a third time and did not pass.

Assembly bill No. 351, above reported, read a third time, and did not pass.

Mr. O'Neil, chairman, made the following report :

The Committee on Engrossment have examined and find correctly engrossed—

An Act to provide John S. Bradford with duplicate warrants, in lieu of certain warrants lost or destroyed.

Assembly bill above reported by Judiciary Committee, read a third time and did not pass.

Assembly bill No. 172, also reported by Judiciary Committee, read third time and did not pass.

Assembly bill No. 316, also reported by Judiciary Committee, read a third time,

Mr. Bostwick moved the previous question.

The previous question was sustained.

On the passage of the bill, Messrs. Ashley, Whitman, and Stemmons, demanded the yeas and nays :

YEAS.

Messrs. Anderson, Ballou, Bennett, Bostwick, Bradford, Burton, Carr, Carrillo, Clingan, Conness, Davidson, Dawley, Ewer, Fairfield, Gilbert, Godard, Gordon, Griffith, Hagans, Hastings, Hollister, Horr, Houghtaling, Hoyt, Hubbard, Hunt, Hunter, Irwin, Koll, Lindsey, Musser, Myres, McBrayer, McDonald, Noel, O'Neil, F. A. Park, J. W. Park, Pratt, Purdy, Ring, Spencer, Springer, Stemmons, Stevenson, Stowe, Sweetland, Tallmadge, Van Cleft, and Mr. Speaker—50.



## NAYS.

Messrs. Ashley, Bowie, Cornwall, Hubert, Jones, Letcher, Mandeville, Nichols, Sweasey, Warmcastle, Watkins, Whipple, and Whitman—13.

So the bill passed.

The following message was received from the Senate :

I am instructed to inform the Assembly, that the Senate passed on the 5th inst., a bill for an Act amendatory of and supplementary to the Act entitled an Act to regulate proceedings in civil cases in the courts of justice of this State.

JOHN Y. LIND,  
Secretary.

Senate bill No. 21, above reported, read first and second times, and referred to Judiciary Committee.

The committee reported the bill back, and recommended the passage of the same.

On motion of Mr. Myres, the House resolved itself into Committee of the Whole, Mr. Van Cleft in the chair, to consider the bill.

After spending some time in its consideration, on motion, the committee rose and reported the bill back to the House.

And the committee was discharged.

Mr. Griffith offered an amendment to the bill.

Mr. Bradford demanded the previous question.

The previous question was sustained.

The amendment of Mr. Griffith was then adopted.

Mr. Conness moved to reconsider the vote which adopted the amendment offered by Mr. Griffith.

Not agreed to.

The bill was read a third time and passed.

On motion of Mr. Conness, the House took up for consideration messages from the Senate.

The following messages were received from the Senate :

I am instructed to inform the Assembly that the Senate passed this day a bill for an Act explanatory of an Act to re-incorporate the City of San Francisco, passed April 15, 1851.

JOHN Y. LIND,  
Secretary.

The above bill was read a first and second time and referred to San Francisco delegation.

I am instructed to inform the Assembly that the Senate passed this day a bill for an Act to re-incorporate the city of San Francisco.

JOHN Y. LIND,  
Secretary.

The above bill was read a first and second time and referred to the San Francisco delegation with instructions to report immediately.

I am instructed to inform the Assembly that the Senate passed this day Assem-

bly bill for an Act creating a Board of Commissioners and the office of Overseer in each township of the several counties therein named, to regulate water courses within their respective limits, with an amendment as therein shown. And have appointed on their part Messrs. Walkup, Sprague and Lent to act with Assembly Committee of free conference on the disagreeing votes on the Revenue bill.

JOHN Y. LIND,  
Secretary.

I am instructed to inform the Assembly that the Senate passed this day the following bills.

Assembly bill for an Act amendatory of an Act to provide for the protection of Foreigners, and to define their liabilities and privileges, passed March 30, 1853.

An Act in reference to the Journals of the Senate and Assembly.

An Act for the relief of John Bowling, Sheriff of Mariposa county.

Which are herewith respectfully submitted.

JOHN Y. LIND,  
Secretary.

I am instructed to inform the Assembly that the Senate passed this day Assembly concurrent resolutions authorizing the Governor to receive certain deeds and conveyances.

Assembly bill for an Act to amend an Act to prohibit the erection of Wiers or other obstructions to the run of Salmon, passed April 12, 1852.

Assembly bill for an Act to adjust the amount of indebtedness of the county of Alameda to the county of Contra Costa, and provide for the payment thereof.

An Act to change the name of Mary Elizabeth McGreece to Mary Elizabeth Hastings.

An Act to authorize the Comptroller of State to issue a duplicate warrant to S. W. Langton.

An Act to abolish the Board of Supervisors in the county of Monterey, and to confer the jurisdiction over county business upon the Court of Sessions; and,

An Act to compensate H. Gomez Mauriz for translating into Spanish and engrossing certain Legislative Documents.

Which are herewith respectfully submitted.

JOHN Y. LIND,  
Secretary.

I am instructed to inform the Assembly that the Senate passed Assembly bill for an Act concerning the office of Secretary of State, with an amendment as therein shown; and,

An Act to amend an Act to authorize the formation of corporations for the construction of Plank or Turnpike Roads, approved May 12, 1853.

Which are herewith respectfully submitted.

JOHN Y. LIND,  
Secretary.

Senate amendment to the above bill concurred in by the Assembly.

I am instructed to inform the Assembly that the Senate passed this day Assembly bill for an Act for the relief of Henry Wohlgamuth, with an amendment as

therein shown—and a concurrent resolution of instructions to representatives in Congress—in which the concurrence of the Assembly is respectfully asked.

JOHN Y. LIND,  
Secretary.

Senate amendment to Assembly bill concurred in.  
Senate concurrent resolution adopted by the House.

I am instructed to inform the Assembly that the Senate passed this day a bill for an Act supplementary to an Act to provide for the disposition of certain property of the State of California, passed March 26, 1851.

JOHN Y. LIND,  
Secretary.

Senate bill, No. 220, above reported.  
Read first time, and ordered to a second reading on to-morrow.

I am instructed to inform the Assembly that the Senate passed, on the 10th instant, Assembly bill for an Act to fund that portion of the debt of Trinity county, accruing previous to the 12th of May, 1853, apportioned to Humboldt county, and provide for the payment thereof; and on yesterday,

Assembly bill for an Act to amend an Act concerning Corporations;

Assembly bill for an Act granting Jos. R. Beals and others, the right to construct a Toll Bridge across the Pajaro river; and

Senate bill for an Act appropriating monies for the benefit of certain Orphan Asylums.

An Act to Incorporate the State Agricultural Society, and appropriate money for its support; and

An Act to authorize Stephen K. Nurse to build a Wharf in the county of Solano;

All of which are respectfully submitted.

JOHN Y. LIND,  
Secretary.

Senate amendment to Assembly bill No. 224,  
Concurred in by the House

Senate bill No. 217, above reported,

Read first and second time and referred to Committee on Accounts.

Assembly bill No. 332,

Read a third time but did not pass.

Assembly bill No. 340,

Read a third time and passed.

Assembly bill, No. 349.

Read a third time and passed.

Senate bill No. 141, in reference to the disposition of certain property in the city of San Francisco,

Read a third time, and indefinitely postponed.

Mr. Tivy, chairman, made the following report:

The Joint Committee on Enrolled Bills have carefully examined and find correctly enrolled, the following Acts, viz:

An Act for the Protection of Game;

An Act amendatory of an Act to provide for the protection of Foreigners, and to define their liabilities and privileges, passed March 30, 1853;

An Act for the relief of John Bowling, sheriff of Mariposa county.

An Act to amend an Act concerning Corporations ;

An Act to authorise Stephen K. Nurse to build a Wharf in the county of Solano,

An Act in reference to the Journals of the Senate and Assembly ;

An Act granting Joseph R. Beals and others the right to construct a Toll Bridge across the Pajaro river ;

An Act to Incorporate a State Agricultural Society and appropriate money for its support ;

An Act to amend an Act concerning the *per diem* of officers of the Senate and Assembly, passed January 21, 1854.

Senate bill No. 203, read a third time and passed, and, on motion, the title was amended.

The following message was received from the Senate :

I am instructed to inform the Assembly, that the Senate passed this day—

An Act amendatory of an Act entitled an Act to provide for the incorporation of Railroad Companies, approved April 22, 1853, with amendments, as therein shown.

And an Act to provide J. S. Bradford with duplicate warrants, in lieu of certain warrants lost or destroyed.

JOHN Y. LIND,  
Secretary.

The amendment of the Senate amended, and adopted as amended.

Mr. Kellogg made the following report :

The Committee on Military Affairs, to whom was referred Senate bill No. 101, have had the same under consideration, and report the same back to the House without recommendation, and ask to be discharged from the further consideration of the subject.

They have also to report back Joint Resolutions passed by the Legislature of Pennsylvania relative to old soldiers, and in view of the fact that a Senate resolution to this effect has passed this House, have no recommendations to make, except that they concur in the features of the Resolution.

All of which is respectfully submitted.

Senate bill No. 101, above reported, on its third reading—

Mr. Nichols moved to go into Committee of the Whole, to consider the bill.

Not agreed to.

Mr. Kellogg moved to indefinitely postpone the bill, and

Messrs. Nichols, Kellogg, and Hoff, demanded the yeas and nays.

Mr. Kellogg moved the previous question.

The previous question was sustained.

The vote was then taken upon the motion to indefinitely postpone.

YEAS.

Messrs. Ashley, Bennett, Bostwick, Bowie, Burton, Carr, Clingan, Cornwall, Dannels, Ewer, Gordon, Hagans, Hastings, Hollister, Houghtaling, James, Jones, Kellogg, Letcher, Lindsey, Mandeville, McDuffie, McDaniel, Noel, Stemmons, Stevenson, Stowe, Sweetland, Tallmadge, Warmcastle, and Watkins—32.



## NAYS.

Messrs. Anderson, Bagley, Ballou, Bradford, Carrillo, Conness, Dawley, Fairfield, Gilbert, Godard, Griffith, Herbert, Hoff, Horr, Hubbard, Hubert, Hunt, Irwin, Koll, Myres, McBrayer, McKinney, Nichols, O'Neil, F. A. Park, J. W. Park, Pratt, Purdy, Ring, Rowan, Spencer, Sweasey, Van Cleft, Whitman, and Mr Speaker—35.

So the House refused to indefinitely postpone.

Mr. Kellogg moved the previous question.

The previous question was sustained.

On ordering the bill to a third reading, Messrs. Stevenson, Hunter, and Bagley demanded the yeas and nays :

## YEAS.

Messrs. Bagley, Bradford, Carrillo, Conness, Fairfield, Gilbert, Herbert, Hoff, Hollister, Horr, Hubbard, Hubert, Hunt, Irwin, Koll, Myres, McBrayer, McKinney, Nichols, O'Neil, F. A. Park, J. W. Park, Pratt, Purdy, Ring, Rowan, Spencer, Sweasey, Van Cleft and Mr. Speaker—30.

## NAYS.

Messrs. Anderson, Ashley, Ballou, Bennett, Bostwick, Bowie, Burton, Clingan, Cornwall, Dannels, Ewer, Gordon, Hagans, Hastings, Hunter, James, Jones, Kellogg, Letcher, Mandeville, Musser, McDonald, McDuffie, McDaniel, Noel, Stemmons, Stevenson, Sweetland, Tallmadge and Watkins—30.

There being an equal number of votes the motion was lost, and the House refused to read the bill a third time.

Mr. James moved to reconsider the vote just taken.

Mr. Dannels moved to lay the motion to reconsider on the table.

Agreed to.

Mr. Myres moved to take up for consideration the Senate Deficiency bill.

Not agreed to.

Mr. Griffith, chairman, made the following report :

The Committee on Roads and Highways, to whom was referred Senate bill No. 140, for an Act concerning Public Ferries and Toll Bridges, have considered the same, and recommending two amendments thereto recommend its passage.

Also, Senate bill No. 193, for an Act amendatory of and supplementary to an Act entitled an Act to authorize the formation of Corporations for the construction of Plank and Turnpike Roads, passed May 12, 1853, and recommend its passage.

Senate bill No. 140, above reported. On its third reading the House resolved itself into Committee of the Whole, Mr. O'Neil in the chair, to consider the bill.

After spending some time in its consideration, on motion of Mr. Bostwick, the committee rose and reported the bill back to the House.

And the committee was discharged.

Mr. Conness moved the previous question.

The previous question was sustained.

The bill was read a third time and passed

Senate bill No. 193, on its third reading, referred to the San Francisco Delegation.

Mr. Ashley made the following report :

The Committee on Education to whom was referred a petition from Ione Valley, asking an appropriation of money for the establishment of a Seminary of Learning at that place, would most respectfully report :

That, considering the great indebtedness of the State, it would be unwise at present to appropriate money for the purpose of establishing Seminaries. Should the prayer of these petitioners be granted, it would be incumbent on the Legislature to grant similar privileges to all persons similarly situated—and there are numerous such communities in our State—thus inducing an immense expenditure of money we have no means of raising. It is believed the Common School Fund will warrant the sustaining a sufficient number of Common Schools to satisfy the more urgent wants of the different communities in the State, and the organization of higher schools, by law, must await the receipt of funds it is confidently believed will be realized from the sale of State lands. So your committee report the petition to the House, and recommend no further action.

The committee has also considered the report of the Secretary of State and find that the important changes and amendments of the law relating to the State Library, suggested in the Secretary's report, are embodied in various bills now before the Legislature, and hence it is unnecessary to report any new bill, but we would respectfully ask the House to carefully consider the bills now before it based upon the suggestions of the Secretary of State.

Assembly bill No. 138, has been under consideration, and we find that its passage is unnecessary, because it is believed the House has already passed an Act satisfactorily providing for County Superintendents of Common Schools.

Also, an Act supplemental to an Act, to establish a system of Common Schools, as amended in Codified Laws by Garfield and Snyder, has been considered, and believing that its objects are attained by the Act concerning Schools which has passed the Assembly, your committee would recommend that it do not pass.

The report of the present State Superintendent, and the accompanying message of the Governor have been under consideration—and your committee have already reported resolutions carrying into effect the Governor's recommendation as to School Land Warrants, which resolutions have passed. As to the other recommendations of the Superintendent, the greater part are before the House in the form of bills, and we find it unnecessary to advise further upon the report.

Mr. Dawley made following report :

The Committee on Commerce have had under consideration Senate bills, Nos. 182 and 183, and beg leave to report the same back, without amendment, and recommend their passage.

Senate bill, No. 182, above reported, read a third time and passed.

Senate bill, 183, in relation to Lumber Inspection in San Francisco on its third reading.

Mr. Bostwick moved the previous question.

The previous question was sustained.

On ordering the bill to a third reading, Messrs. Stowe, Letcher and Hagans, demanded the yeas and nays :

## YEAS.

Messrs. Dawley, Godard, Hoff, Hollister Hubbard, Irwin, Jones, Kellogg, Koll, McBrayer, J. W. Park, Purdy and Van Cleft—13.

## NAYS.

Messrs. Anderson, Ashley, Bagley, Ballou, Bennett, Bostwick, Bowie, Bradford, Burton, Carr, Carrillo, Clingan, Conness, Dannels, Ewer, Fairfield, Griffith, Hagans, Hastings, Herbert, Houghtailing, Hoyt, Hubert, Hunt, James, Letcher, Lindsey, Myres, McDuffie, McKinney, Nichols, Noel, O'Neil, F. A. Park, Pratt, Rowan, Spencer, Stemmons, Stevenson, Stowe, Sweasey, Warmcastle, Watkins, Whitman and Mr. Speaker—45.

So the House refused to read the bill a third time.

Mr. Letcher moved to reconsider the vote just taken.

Mr. Hubert moved to lay the motion to reconsider on the table.

Agreed to.

Mr. Conness moved that Mr. Hubbard be required to report back to the House a bill to repeal or abolish the office of Gauger for San Francisco, and Messrs. Sweetland, Conness and Lindsey, demanded the yeas and nays.

## YEAS.

Messrs. Anderson, Ashley, Bagley, Ballou, Bennett, Bostwick, Bowie, Bradford, Burton, Carr, Conness, Dannels, Godard, Gordon, Hagans, Hollister, Houghtaling, Hoyt, Hubert, Kellogg, Koll, Letcher, Lindsey, Musser, McDonald, McKinney, Nichols, Noel, Ring, Spencer, Stowe, Sweasey, Sweetland, Warmcastle, Watkins and Whitman—36.

## NAYS.

Messrs. Carrillo, Cornwall, Dawley, Ewer, Fairfield, Gilbert, Herbert, Horr, Hunt, Hunter, Irwin, James, Jones, Myres, McBrayer, McDuffie, McDaniel, J. W. Park, Rowan, Stemmons, Stevenson, Van Cleft, Whitman and Mr. Speaker—24.

So the House decided that Mr. Hubbard should report the bill.

On motion of Mr. Hubert, the House took up for consideration Senate bill No. 94, Deficiency bill.

On motion of Mr. Mandeville, the House resolved itself into Committee of the Whole, Mr. Van Cleft in the chair, to consider the bill.

After spending some time in its consideration, on motion, the committee rose, reported the bill back to the House, and recommended the passage of the same, and asked to be discharged from its further consideration.

The committee was discharged.

Mr. Dannels moved to take a recess until 8 o'clock.

Not agreed to.

Mr. Van Cleft moved the previous question.

Not agreed to.

Mr. Van Cleft moved to take a recess until half past 7 o'clock.

Not agreed to.

Mr. Sweetland moved the previous question.

The previous question was sustained.

On the adoption of the amendment relative to appropriations for the State Prison, Messrs. Letcher, Dannels and Conness demanded the yeas and nays :

## YEAS.

Messrs. Bradford, Carr, Carrillo, Clingan, Cornwall, Godard, Griffith, Hastings, Henry, Herbert, Hoff, Houghtaling, Hoyt, Hubert, Hunt, Irwin, James, Jones, Koll, Mandeville, Musser, Myres, McDuffie, McDaniel, McKinney, Nichols, O'Neil, F. A. Park, J. W. Park, Ring, Spencer, Stevenson, Tivy, Van Cleft, Warmcastle, Whitman and Mr. Speaker—37.

## NAYS.

Messrs. Anderson, Ashley, Ballou, Bennett, Bowie, Burton, Conness, Dannels, Dawley, Ewer, Fairfield, Gilbert, Hagans, Hollister, Hunt, Letcher, Lindsey, McBrayer, McDonald, Noel, Pratt, Purdy, Rowan, Stemmons, Stowe, Sweasey, Sweetland, Tallmadge and Watkins—29.

So the amendment was adopted.

Mr. Nichols moved to reconsider the vote just taken, and

Messrs. Conness, Letcher and Hubbard demanded the ayes and nays :

## YEAS.

Messrs. Anderson, Ashley, Bagley, Ballou, Bennett, Bowie, Burton, Conness, Dannels, Ewer, Fairfield, Gilbert, Gordon, Hagans, Hollister, Hubbard, Hunter, Koll, Letcher, Lindsey, McBrayer, McDonald, Nichols, Noel, Pratt, Purdy, Ring, Rowan, Stemmons, Stowe, Sweasey, Sweetland, Tallmadge and Watkins—34.

## NAYS.

Messrs. Bradford, Carr, Carrillo, Clingan, Godard, Griffith, Hastings, Henry, Herbert, Hoff, Houghtaling, Hoyt, Hubert, Hunt, Irwin, James, Jones, Mandeville, Musser, Myres, McDuffie, McDaniel, McKinney, O'Neil, F. A. Park, J. W. Park, Spencer, Tivy, Van Cleft, Warmcastle, Whipple, Whitman and Mr. Speaker—33.

So the vote was reconsidered.

Mr. Houghtaling moved to take a recess until half past 7 o'clock this evening.

Not agreed to.

The amendment was then lost by the following vote :

Messrs. Conness, Letcher, and Dannels, demanding the yeas and nays.

## YEAS.

Messrs. Bradford, Carr, Carrillo, Clingan, Godard, Griffith, Hastings, Henry, Herbert, Hoff, Hoyt, Hubbard, Hubert, Hunt, Irwin, James, Jones, Mandeville, Musser, McDuffie, McDaniel, O'Neil, F. A. Park, J. W. Park, Ring, Tivy, Warmcastle, Whipple, Whitman, and Mr. Speaker—31.



## NAYS.

Messrs. Anderson, Ashley, Bagley, Ballou, Bennett, Bowie, Burton, Conness, Dannels, Ewer, Gilbert, Gordon, Hagans, Hollister, Hunter, Koll, Letcher, Lindsey, McBrayer, McDonald, Nichols, Noel, Pratt, Purdy, Rowan, Stemmons, Stowe, Sweasey, Sweetland, Tallmadge, and Watkins—31.

On adoption of the amendment relative to appropriating \$61,750 to Duncan, Sherman, & Co., for money advanced in January last.

Messrs. Lindsey, Conness, and McKinney, demanded the yeas and nays:

## YEAS.

Messrs. Anderson, Bagley, Bennett, Bowie, Bradford, Burton, Carr, Carrillo, Clingan, Cornwall, Ewer, Gordon, Griffith, Hagans, Hastings, Henry, Herbert, Hoff, Hubert, James, Letcher, Lindsey, McDuffie, McDaniel, McKinney, Nichols, Noel, J. W. Park, Spencer, Stemmons, Stevenson, Stowe, Tivy, Warmcastle, Watkins, Whipple, and Whitman—37.

## NAYS.

Messrs. Ballou, Bostwick, Conness, Gilbert, Godard, Hollister, Hoyt, Hubbard, Hunt, Irwin, Koll, Musser, McDonald, F. A. Park, Pratt, Purdy, Ring, Rowan, Sweasey, and Tallmadge—20.

So the amendment was adopted.

The bill was then read a third time.

Mr. Hoyt moved the previous question, which was sustained, and the bill passed.

Mr. Conness moved to reconsider the vote just taken.

Not agreed to.

Mr. Whitman moved to adjourn.

Not agreed to.

Mr. Tivy, chairman, made the following report:

The Committee on Enrolled Bills have examined and find correctly enrolled the following Acts, viz:

An Act to fix the place of residence of certain State officers.

An Act authorizing John Caruthers to build and construct a turnpike or gravel road from the city of Stockton to the towns of Sonora and Columbia in Tuolumne county.

An Act appropriating money for the payment of Cornelius Cole, for services rendered as agent of the State.

On motion of Mr. Fairfax, the House took a recess until 8 o'clock, P. M.

EIGHT O'CLOCK, P. M.

The House met pursuant to adjournment, and,

On motion of Mr. Dannels, took a recess for fifteen minutes.

Mr. Dannels, made the following report :

The Committee on Mines and Mining Interests have had under consideration Assembly bill No. 318,

An Act to Protect Mining Interests, and to prevent excessive Emigration from Asia to the State of California, and have directed me to report the same back with the following amendments, viz :

Strike out in the title of the bill, all after the word "interests," and strike out the 5th, 6th and 7th sections of the bill, and recommend its passage.

J. W. MANDEVILLE,  
Chairman.

Assembly bill No. 318, above reported ;

Mr. McBrayer moved to indefinitely postpone the bill, and

Messrs. Dannels, Hoff and Hubbard demanded the yeas and nays :

YEAS.

Messrs. Ashley Bowie, Carrillo, Cornwall, Dawley, Fairfield, Herbert, Horr, Hunter, James, Myres, McBrayer, McDuffie, Nichols, Noel, J. W. Park, Purdy, Ring, Spencer, Stemmons, Sweasey, Sweetland, Warmcastle, Watkins and Whitman—25.

NAYS.

Messrs. Bagley, Bennett, Briggs, Burton, Conness, Dannels, Davidson, Gilbert, Godard, Gordon, Hagans, Hastings, Hoff, Houghtaling, Hoyt, Hubbard, Irwin, Jones, Koll, Letcher, Lindsey, Mandeville, Musser, McDonald, Pratt, Stevenson, Stowe, Van Cleft, Whipple and Mr. Speaker—30.

So the motion to indefinitely postpone, was lost.

Mr. Burton moved the previous question, which was sustained.

The amendments offered by the committee were adopted by the House, the bill read a third time, and

On motion of Mr. Van Cleft, recommitted with special instructions, by the following vote :

Messrs. Mandeville, Godard and Pratt demanding the yeas and nays :

YEAS.

Messrs. Ashley, Bagley, Bowie, Carrillo, Clingan, Conness, Cornwall, Dawley, Ewer, Fairfield, Herbert, Horr, Hubbard, Hubert, Hunter, James, McBrayer, McDonald, McDuffie, F. A. Park, Purdy, Ring, Stemmons, Sweasey, Sweetland, Van Cleft, Watkins, Whitman and Mr. Speaker—29.

NAYS.

Messrs. Bennett, Briggs, Burton, Dannels, Davidson, Gilbert, Godard, Hagans, Hastings, Hoff, Houghtaling, Irwin, Jones, Koll, Letcher, Lindsey, Mandeville, Musser, Myres, Noel, J. W. Park, Pratt, Rowan, Stevenson, Tivy and Whipple—26.

Mr. Tivy, chairman, made the following report :

The Joint Committee on Enrolled Bills have examined and find correctly enrolled the following Acts, viz :

An Act to provide for the erection of a Wharf in Santa Barbara.

An Act to amend an Act entitled an Act, concerning the salaries of officers, and pay of members of the Legislature, passed May 11, 1852.

An Act to adjust the amount of indebtedness of the county of Alameda to the county of Contra Costa, and provide for the payment thereof.

An Act to amend an Act entitled an Act to prohibit the erection of Wiers or other obstructions to the run of Salmon, passed April 12, 1852.

An Act for the relief of Capt. Harry Love.

An Act explanatory of an Act entitled an Act to prohibit Lotteries, passed March 11, 1851.

An Act to amend an Act to authorize the formation of corporations for the construction of Plank or Turnpike roads ; approved May 12, 1853.

An Act for the relief of Henry Wohlgamuth.

An Act to provide J. S. Bradford with duplicate warrants, in lieu of certain warrants lost or destroyed.

An Act to authorize the Comptroller of State to issue a duplicate warrant to S. W. Langton.

An Act to compensate H. Gomez Mauriz for translating into Spanish, and engrossing certain legislative documents.

An Act to abolish the Board of Supervisors in the county of Monterey, and to confer the jurisdiction over county business upon the Court of Sessions.

An Act to change the name of Mary Elizabeth McGreece to Mary Elizabeth Hastings ; and,

Concurrent Resolutions authorizing the Governor to receive from the city of Sacramento any deed, conveyance, etc.

Assembly bill, No. 206, an Act for the protection of owners of buildings and other fixtures to the soil in the mining districts of this State,

Reported by Committee on Mines and Mining Interests, with a recommendation that it pass,

Read third time.

Mr. Dawley moved to lay the bill on the table.

Not agreed to.

The bill was then passed.

The following message was received from the Senate :

I am instructed to inform the Assembly that the Senate have reconsidered the vote by which the Senate this day concurred in Assembly amendment of the Practice Act, and refuse to concur, and have appointed, as a committee of conference, Messrs. Sprague, Tuttle and Wade, and ask that the Assembly will appoint a committee to confer with them.

Respectfully,

JOHN Y. LIND,  
Secretary.

Senate bill No. 21, above reported.

The House insisted on their amendment, and appointed Messrs. Myres, Griffith and Gordon a committee of conference.

Mr. Myres made the following report

The committee of conference on the disagreeing vote of the two Houses on the amendment of the Assembly to Senate bill No. 21, have agreed that the Assembly recede from their amendment.

R. T. SPRAGUE, Senate.  
B. F. MYRES, Assembly.

On motion, the report was adopted by the House.

Mr. Irwin, chairman, made the following report :

The Committee on Federal Relations, to whom was referred Joint Resolutions No. 325, in relation to the emigration of Coolies and others who are not competent to become citizens of the United States into this State, recommend their passage.

In relation to Joint Resolutions of the Commonwealth of Massachusetts, relative to cheap ocean postage No. 3, and Joint Resolutions in relation to the United States Census Agents for the State of California No. 238, your committee unanimously recommend that they do not pass.

Joint Resolution No. 325, above reported.

Read third time and passed.

Joint Resolutions No. 238, also above reported.

Read third time and lost.

Mr. Irwin, chairman, made the following additional report :

The Committee on Federal Relations, to whom was referred Joint Resolutions No. 60, tendering thanks of the Legislature to our Senators and Representatives in Congress, &c., and Joint Resolutions No. 69, in relation to the Pacific railway, respectfully report that they have had the same under consideration, and unanimously recommend their passage.

Senate Joint Resolutions No. 60, above reported ;

Read third time.

Mr. Tallmadge moved to reconsider the third reading of the resolutions

Agreed to.

Mr. Conness moved to lay the resolutions on the table, and

Messrs. Herbert, Irwin and Mandeville demanded the yeas and nays :

YEAS.

Messrs. Ashley, Bagley, Ballou, Bostwick, Conness, Dannels, Dawley, Ewer, Fairfield, Gilbert, Hoff, Hollister, Horr, Hoyt, Jones, Koll, McBrayer, McDonald, Pratt, Ring, Rowan, Sweasey, Tallmadge and Van Cleft—24.

NAYS.

Messrs. Anderson, Bowie, Bradford, Burton, Carr, Carrillo, Clingan, Cornwall, Gordon, Griffith, Hagans, Hastings, Herbert, Houghtaling, Hubbard, Hubert, Hunter, Irwin, James, Letcher, Lindsey, Mandeville, Musser, Myres, McDuffie, Nichols, Noel, F. A. Park, J. W. Park, Spencer, Stemmons, Stevenson, Sweetland, Tivy, Warmcastle, Watkins, Whitman and Mr. Speaker—39.

So the House refused to lay the resolutions on the table.



The resolutions were then read third time and passed.

Senate Joint Resolutions No. 69, also reported by Committee on Federal Relations, were read third time.

Mr. Conness moved to lay them on the table, and

Messrs. Gordon, Houghtaling and Watkins demanded the yeas and nays:

YEAS.

Messrs. Bagley, Bradford, Briggs, Conness, Cornwall, Dannels, Davidson, Dawley, Fairfield, Gilbert, Hollister, Hoyt, Hunter, James, Koll, Mandeville, Musser, McBrayer, McDuffie, O'Neil, Pratt, Ring, Rowan, Sweasey, Tallmadge, Tivy, Van Cleft, Warmcastle, Watkins and Mr. Speaker—31.

NAYS.

Messrs. Anderson, Ballou, Bennett, Bostwick, Bowie, Burton, Carr, Carrillo, Clingan, Ewer, Gordon, Griffith, Hagans, Hastings, Herbert, Hoff, Horr, Houghtaling, Hubbard, Hubert, Irwin, Jones, Letcher, Lindsey, McDonald, Nichols, Noel, F. A. Park, J. W. Park, Spencer, Stemmons, Stowe, Sweetland and Whitman—35.

So the motion to lay on the table was lost.

Mr. Hoff moved to indefinitely postpone the resolutions.

Mr. Myres moved the previous question, which was sustained by the following vote:

Messrs. Irwin, Gordon and Bennett demanding the yeas and nays:

YEAS.

Messrs. Ballou, Bradford, Briggs, Burton, Conness, Dannels, Dawley, Fairfield, Gilbert, Godard, Griffith, Hollister, Hoyt, Hubert, Hunt, Hunter, James, Jones, Kellogg, Koll, Mandeville, Musser, Myres, McBrayer, McDonald, Sweetland, Tallmadge, Warmcastle and Mr. Speaker—35.

NAYS.

Messrs. Anderson, Bagley, Bennett, Bostwick, Bowie, Carr, Carrillo, Clingan, Cornwall, Davidson, Gordon, Hagans, Hastings, Herbert, Hoff, Horr, Houghtaling, Irwin, Letcher, Lindsey, Nichols, J. W. Park, Ring, Rowan, Spencer, Stemmons, Stowe, Van Cleft, Watkins, and Whitman—33.

Upon the motion of Mr. Hoff to indefinitely postpone,

Messrs. Watkins, Hubbard, and Letcher, demanded the yeas and nays:

YEAS.

Messrs. Ashley, Bagley, Dannels, Gilbert, Gordon, Hoff, Ring, Rowan, Watkins, and Mr. Speaker—10.

NAYS.

Messrs. Anderson, Bennett, Bostwick, Bowie, Bradford, Briggs, Burton, Carr, Clingan, Conness, Davidson, Dawley, Fairfield, Godard, Griffith, Hagans, Hastings, Henry, Herbert, Hollister, Horr, Houghtaling, Hoyt, Hubbard, Hubert, Hunt,

Hunter, Irwin, James, Jones, Kellogg, Letcher, Lindsey, Mandeville, Musser, Myres, McBrayer, McDonald, McDuffie, McDaniel, McKinney, Nichols, Noel, O'Neil, F. W. Park, J. A. Park, Purdy, Spencer, Stemmons, Stevenson, Stowe, Sweasey, Sweetland, Tallmadge, Van Cleft, and Whitman—56.

So the House refused to indefinitely postpone.

The resolutions were then passed, Messrs. Watkins, Hoff, and Letcher, demanding the yeas and nays, by the following vote :

## YEAS.

Messrs. Anderson, Bennett, Bostwick, Bowie, Bradford, Briggs, Burton, Carr, Carrillo, Cornwall, Davidson, Dawley, Fairfield, Griffith, Hagans, Hastings, Henry, Herbert, Hollister, Horr, Houghtaling, Hoyt, Hubbard, Hubert, Hunt, Hunter, Irwin, Jones, Kellogg, Letcher, Lindsey, Musser, Myres, McBrayer, McDonald, McKinney, Nichols, Noel, O'Neil, J. W. Park, Spencer, Stemmons, Stevenson, Stowe, Sweasey, Sweetland, Van Cleft, and Whitman—48.

## NAYS.

Messrs. Ashley, Bagley, Clingan, Conness, Gilbert, Gordon, Hoff, James, Mandeville, McDuffie, McDaniel, F. A. Park, Pratt, Purdy, Ring, Rowan, Warmcastle, Watkins, and Mr. Speaker—20.

The following message was received from the Senate :

I am instructed to inform the Assembly that the Senate have concurred in Assembly amendments to Senate bill No. 94 except two : one appropriating \$5,000 to Dr. Trask, for Geological Survey ; and the other, appropriating \$61,750 to Messrs. Duncan, Sherman, & Co.—have appointed on their part Messrs. Sprague, Tuttle, and Keene, as a committee of conference, and ask that a similar committee be appointed on the part of the House.

Respectfully,

JOHN Y. LIND,  
Secretary.

Mr. O'Neil moved to recede from the amendment relative to Dr. Trask.  
Not agreed to.

Mr. O'Neil moved to recede from the amendment relative to Duncan, Sherman, & Co., upon which

Messrs. Dawley, Lindsey, and Hastings, demanded the yeas and nays :

## YEAS.

Messrs. Ashley, Bagley, Ballou, Bostwick, Conness, Dannels, Davidson, Dawley, Fairfield, Gilbert, Godard, Gordon, Hoff, Hollister, Horr, Hoyt, Hubbard, Hunt, Hunter, Irwin, Jones, Kellogg, Koll, Musser, Myres, McBrayer, McDonald, O'Neil, F. A. Park, Pratt, Purdy, Ring, Rowan, Spencer, Sweasey, Tallmadge, Van Cleft and Mr. Speaker—38.

## NAYS.

Messrs. Anderson, Bennett, Bowie, Bradford, Burton, Carr, Clingan, Cornwall, Griffith, Hagans, Hastings, Henry, Herbert, Houghtaling, Hubert, James, Letcher,

Lindsey, Mandeville, McDuffie, McDaniel, McKinney, Nichols, Noel, J. W. Park, Stemmons, Stevenson, Stowe, Sweetland, Warmcastle, Watkins and Whitman—32

So the House receded from their amendment; and

Messrs. James, Gordon and Bradford, were appointed committee of conference to confer with Senate Committee, on amendment relative to Dr. Trask.

Mr. James, chairman, made the following report :

The Committee on Mileage, to whom was referred Senate bill, No. 84, an Act defining the legal distances from each County Seat in the State of California to the Capital at Sacramento; the State Lunatic Asylum at Stockton, and the State Prison at San Quentin, have had the same under consideration, report it back to the House and recommend its passage.

Senate bill, No. 84, above reported.

Read third time and passed.

Mr. James made a verbal report from the Sierra delegation, recommending the passage of Senate bill, No. 194, an Act to allow James Golden to collect tolls on a certain road in Sierra county.

Read third time and passed.

Mr. Hubbard, from the Committee on Corporations reported Senate bill, No. 12, an Act to provide for the appointment of a Gauger for the Port of San Francisco; approved May 3, 1852.

Read third time.

Mr. Irwin moved to lay the bill on the table.

Not agreed to.

The bill was then passed.

Mr. Fairfield moved to take from the table the motion made on to-day to reconsider the vote by which the House refused to read a third time Senate bill No. 183.

Mr. Conness moved to indefinitely postpone the motion to take from the table; and Messrs. McDuffie, Letcher and Hubbard demanded the yeas and nays.

#### YEAS.

Messrs. Anderson, Ashley, Ballou, Bennett, Bostwick, Bowie, Burton, Carr, Carillo, Clingan, Conness, Davidson, Hagans, Hastings, Houghtaling, Hoyt, Hubert, Letcher, Lindsay, Mandeville, Musser, Myres, McDuffie, Nichols, Noel, Spencer, Stemmons, Stowe, Sweasey, Warmcastle, Watkins and Whitman—32.

#### NAYS.

Messrs. Dinels, Dawley, Fairfield, Godard, Griffith, Herbert, Hoff, Hollister, Hubbard, Hunt, Irwin, Jones, Kellogg, Koll, McBrayer, McDonald, O'Neil, J. W. Park, Pratt, Purdy, Ring, Rowan, Stevenson, Van Cleft and Mr. Speaker—25.

So the motion was indefinitely postponed.

Mr. James, from the committee of conference on Senate bill No. 94, reported that the committee were unable to agree.

Mr. Hubert moved a committee of free conference.

Not agreed to.

On motion of Mr. Conness, the House reconsidered the vote which refused to recede from their amendment relative to appropriation for Geological Surveys; and the House receded from its amendment.

Mr. Hubert, from the San Francisco delegation, reported back Senate bill No. 80, An Act to reincorporate the city of San Francisco," recommending its passage.

Mr. Jones offered an amendment to the 9th subdivision of the 34th section, upon which no action was had.

Mr. Griffith offered the following resolution, which was adopted :

*Resolved*, That the Chief and Assistant Clerk be allowed their per diem for twenty days after the adjournment of the Legislature, to enable them to arrange the papers appertaining thereto. And that the Recording Clerk, Mr. Bovee, be allowed his per diem for eight days, under the direction of the Chief Clerk, to conclude the records now in progress.

Mr. Davidson made the following report :

The Committee on Accounts and Expenditures, to which was referred Assembly bill, No. 260, an Act in relation to the supplies of fuel and other contingent expenses of the Legislature, report the same back to the House, with an amendment, and recommend its passage.

The Committee further report that the five thousand dollars set apart at the commencement of the session, as a Contingent Fund for the Assembly, has been exhausted—that warrants have been drawn upon the Contingent Fund—and remain unpaid the sum of \$6,155 68-100.

To liquidate the same, and to meet the demands against the Contingent Fund, which remain unaudited, the seven thousand dollars appropriated as an additional fund, should be set apart as the accompanying bill provides.

The following statement exhibits the several sums drawn upon the Contingent fund :

Mileage of Members of Travelling Committees,	-	-	-	\$1,550 00
Mileage of Sergeant-at-Arms,	-	-	-	1,476 00
Postage at Benicia,	-	-	-	930 90
Newspapers for Members, to date,	-	-	-	795 36
Articles for the use of the Assembly, repairs, Carpeting, etc.,	-	-	-	6,403 42
Total,	-	-	-	\$11,155 68

Assembly bill, No. 260, reported by the foregoing report; amended as recommended, considered as engrossed, read a third time and passed.

Assembly bill, No. 336, an Act appropriating money for the use and relief of the ladies' Orphan Asylum in the city of San Francisco.

Reported by Committee on Accounts, considered in Committee of the Whole, Mr. Cleft in the chair.

Read a third time and lost.

On motion of Mr. Conness the House went into the consideration of the Senate messages.

The following messages were received from the Senate :

I am instructed to inform the Assembly that the Senate passed this day,

Assembly bill for an Act for the relief of Captain Harry Love ;

An Act entitled an Act concerning the salaries of Officers and pay of Members of the Legislature, passed May 11, 1852.

The Senate have refused to concur in Assembly amendment to the first section, seventh line, " mileage excepted," of an Act to amend section seventh, of an Act entitled an Act concerning the office of Surveyor General ;

And have concurred in the amendment of Assembly to amendment of Senate to



Assembly bill amending an Act to provide for the incorporation of Railroad Companies :

And have concurred in Assembly amendments to an Act to amend an Act regulate proceedings in Criminal Cases, passed May 1, 1851 ; and

An Act explanatory of an Act entitled an Act to prohibit Lotteries, passed March 11, 1851.

Respectfully,

JOHN Y. LIND,  
Secretary.

On motion of Mr. Conness, the House recessed from their amendment to Assembly bill No. 261, above reported.

I am instructed to inform the Assembly that the Senate passed this day Senate bill for

An Act to prevent fraud in the sale of Flour.

Respectfully submitted,

JOHN Y. LIND,  
Secretary.

Senate bill No. 186, above reported, read first time, and ordered to a second reading on to-morrow.

I am instructed to inform the Assembly that the Senate have this day concurred in Assembly amendments to Senate bill for an Act concerning Public Ferries and Toll Bridges ; and have passed a bill for

An Act to authorise and enable Dr. John B. Trask to complete his Geological examinations of parts of the State of California.

Respectfully,

JOHN Y. LIND,  
Secretary.

Senate bill No. 209, above reported, was read first time and ordered to a second reading on to-morrow.

I am instructed to inform the Assembly that the Senate passed, this day, Assembly bill for an Act amendatory of an Act dividing the State into counties, and establishing the seat of justice therein, passed April 25th, 1851.

Which is respectfully presented.

JOHN Y. LIND,  
Secretary.

I am instructed to inform the Assembly that the Senate passed this day, an Act to provide for the erection of a Wharf at Santa Barbara ; and a bill for

An Act to fund the debt of the county of Mariposa, and provide for the payment of the same.

Respectfully,

JOHN Y. LIND,  
Secretary.

Senate bill No. 210,

An Act to fund the debt of the county of Mariposa, and provide for the payment of the same, above reported.

Read first and second times, rules suspended, read third time and passed.

I am instructed to inform the Assembly that the Senate passed, this day, Assembly bill for "An Act to authorize Wm. F. McLean and George Collo way to build wharf in the county of San Francisco, beyond the western limits of the city of San Francisco, and near to said line."

The Senate have non-concurred in Assembly's amendment to the Deficiency bill, making an appropriation of five thousand dollars to John B. Trask, for Geological survey of parts of this State; and also in the amendment making an appropriation of \$66,750 to pay Duncan, Sherman, and Co., and have appointed as a committee conference, Messrs. Sprague, Keene, and Tuttle, and ask that the Assembly will appoint a committee to confer with them.

And have passed an Act to authorize the Treasurer of the County of Los Angeles to retain money belonging to the general fund of the State, for the benefit of the Los Angeles Rangers.

Respectfully,

JOHN Y. LIND,  
Secretary

Senate bill No. 204, an Act to authorize the Treasurer of the County of Los Angeles to retain money belonging to the general fund of the State, for the benefit of the Los Angeles Rangers—

Read first and second times, considered in Committee of the Whole, read third time, and passed.

Mr. Irwin moved to adjourn.

Lost.

Mr. Conness moved to consider the unfinished business.

Lost.

Mr. Stowe, chairman of Select Committee made the following report :

The undersigned, a majority of the committee appointed to investigate the cause of the failure to pay the interest on the civil funded debt of the State of California, due and payable in the City of New York, on the first day of January, 1854, beg leave to submit the following report :

That on the 29th day of October last, Major Roman, late Treasurer of State, paid to the hands of Messrs. Palmer, Cook & Co. the sum of \$61,750 00, for the purpose of meeting the interest coupons due in the City of New York on the first of January last; and that said Treasurer took from said Bankers a Bond, with sureties that they would "well and truly" pay the said coupons at the American Exchange Bank, said city, as payment of the same should be demanded.

The conditions of this Bond were not complied with—the American Exchange Bank alledging that no funds had been provided for that purpose by the agents of this State.

At this juncture, Messrs. Duncan, Sherman & Co., of New York, generously volunteered the payment of said coupons from their own funds, and at last advices had paid nearly the entire amount falling due—thus rescuing from impending ruin the credit of the State. This firm, by letter under date of January 5, called the attention of his Excellency Gov. Bigler, to the part they had acted in the premises, and requested an early reimbursement of their outlays in behalf of California.

We regret to add, that up to the 15th of March, no action had been taken upon the communication of Duncan, Sherman, & Co., by those who should have given the subject their prompt attention.

Palmer, Cook & Co., claim to have had a sufficient amount of money in the hands of the American Exchange Bank to meet the interest when due. Upon this subject your committee express no opinion. They would state as a reason, that their investigation has been necessarily of an ex parte character, being able to refer

only to the books and correspondence of Palmer, Cook & Co., without facilities of procuring the statements of the American Exchange Bank.

It is apparent that there are discrepancies and wide differences in the balance sheets of these two banking houses, and it is to be regretted that the credit of California should have suffered so seriously by being entangled in the business differences of private bankers, and demonstrates the importance of entrusting such vital interests as State credit to none except such as the people have selected for the transaction of their business, and as guardians of their interests.

If it be admitted that Palmer, Cook & Co. did have the amount they claim to have had in the American Exchange Bank to meet the interest, yet we cannot exculpate them from great blame in the premises, nor from gross negligence as guardians of the interest committed to their keeping. Two reasons for this censure will suffice. *First*, This House should have transmitted a specific fund to their correspondent in New York to meet these demands against our Government, and not have involved State funds and State credit with their own confused business affairs—and, *Second*. If no special fund was to be remitted, definite and specific directions should have been given to the American Exchange Bank to pay the interest out of deposits in their hands. The business relations of these houses were such as commonly exist between establishments of this character. The Bank in this State making remittances to their correspondents in New York, and drawing drafts against the same interest coupons against the State of California could scarcely be denominated the drafts of Palmer, Cook & Co., or payable out of the remittances of that firm unless by special direction. In these two particulars we think that Palmer, Cook & Co. are most grossly at fault. The credit of a State, temporarily entrusted to that party, would seem properly to have demanded more careful keeping and attention than its fate in this instance would indicate. This negligence would have been much more injurious in its results but for the timely action of the House of Duncan, Sherman & Co. To it California owes a debt which the simple reimbursement of advances volunteered in our behalf cannot cancel. Up to the 15th of March nothing had been done by way of liquidating this demand—nor had that firm as late as the 25th of March received even the poor pittance of an acknowledgment of their communication of January 5th, to our Executive.

It is alleged that on the 15th March a messenger was dispatched with the necessary funds, to settle with Duncan, Sherman & Co., and redeem the interest coupons in their hands.

Such tardy justice as this is without excuse, and added to the failure to pay the interest when due, renders those having charge of this matter, doubly in fault, and well nigh places the State upon the list of repudiators.

Prompt reimbursement of Duncan, Sherman & Co., was in an eminent degree due that firm, and would have greatly tended to mitigate the delinquencies of our agents in this State.

In closing, we feel constrained to express the hope that in future the State Treasurer will adopt some plan for the payment of these demands by which the recurrence of similar failures will be securely guarded against. Our people pay their taxes, though onerous, as cheerfully as the citizens of any State in the Union; and it is with regret that they see that their liabilities are not met when they have provided the means therefor.

Owing to our isolated position, the ruinous speculations entered into by eastern capitalists in conjunction with our citizens, and the consequent distrust entertained towards us, both as private citizens, and as a sovereign State, our executive officers are loudly called upon to keep and protect, with ceaseless vigilance, the vast interests committed to their charge by a confiding people, so that the world may be compelled to acknowledge that California credit rests upon as secure a basis as that of any of her sisters of the Atlantic—the broad basis of both ability and willingness to meet promptly every demand.

WM. W. STOW,  
A. W. BOWLE.

Mr. Myres moved to lay the report on the table, and

Messrs. Houghtaling, Stowe and McKinney demanded the yeas and nays.

## YEAS.

Messrs. Ballou, Conness, Dannels, Dawley, Fairfield Gilbert, Godard, Griffith, Hoff, Hollister, Horr, Hoyt, Hubbard, Irwin, Jones, Koll, Mandeville, Musser, Myres, McBrayer, McDonald, O'Neil, F. A. Park, Pratt, Purdy, Ring, Rowan, Sweasey, Tallmadge, Warmcastle and Mr. Speaker—31.

## NAYS.

Messrs. Anderson, Ashley, Bagley, Bennett, Bowie, Bradford, Burton, Carillo, Clingan, Cornwall, Davidson, Gordon, Hagans, Hastings, Henry, Herbert, Houghtaling, Hubert, Hunter, James, Kellogg, Letcher, Lindsay, McDuffie, McDaniel, McKinney, Noel, J. W. Park, Stemmons, Stevenson, Stowe, Sweetland, Watkins, Whipple and Whitman—35.

So the House refused to lay on the table.

On motion of Mr. Myres the report was made the special order for Monday next.

Mr. Irwin moved to adjourn.

Not agreed to.

Mr. Conness gave notice that on Monday he would move to abolish or amend the 16th Joint Rule of the Senate and Assembly.

Mr. Bagley, from the San Francisco delegation, made the following report :

The San Francisco delegation have had under consideration, Senate bill for an Act explanatory of an Act to re-incorporate the city of San Francisco, passed April 15, 1851, and recommend its passage.

J. W. BAGLEY,  
GILBERT,  
E. NICHOLS,  
F. W. KOLL,  
J. C. HUBBARD,  
N. HUBERT,  
E. B. PURDY.

Senate bill No. 216 above reported, no action had.\*

Senate bill No. 209 taken up and read second time.

Mr. Griffith offered the following amendment :

This Act shall have the same force and effect and be concurrent with an Act making appropriations to supply deficiencies, &c., which was lost.

On motion of Mr. Irwin, the House adjourned until 10 o'clock to-morrow.



## HOUSE OF ASSEMBLY.

MONDAY, May 15, 1854.

House met pursuant to adjournment.

The roll was called, and the following members were absent :

Messrs. Bagley, Bostwick, Cornwall, French, Gilbert, Godard, Gordon, Green, Griffith, Henry, Herbert, Hoff, Hoyt, Hubert, Irwin, McGee, Nichols, O'Neil, Rowan, Springer, Sweetland, Tallmadge, Van Cleft and Whitman.

The Journal of Friday last read and approved.

The Journal of Saturday was read, amended and approved.

Mr. Conness, agreeable to notice, offered a Concurrent Resolution rescinding the 16th Rule of the Senate and Assembly.

Resolution adopted.

Mr. Conness offered the following, which was adopted :

*Resolved*, That no business but receiving communications from the Executive, the Senate, and reports from the Committee on Enrollment, shall be transacted after one o'clock this day.

Mr. Watkins, offered the following, which was unanimously adopted :

*Resolved*, That the thanks of the members of this body be, and they are hereby, tendered to the Hon. C. S. Fairfax, for the uniform courtesy which has characterized his conduct, and for the ability displayed in the arduous and responsible position of Speaker of the Assembly, throughout the protracted session which closes this evening.

The following messages were received from the Governor :

EXECUTIVE DEPARTMENT, }  
Sacramento City, May 15, 1854. }

*To the Assembly of the State of California:*

I have this day approved an Act entitled an Act to appropriate money to enable the Trustees of the Insane Asylum to erect an additional building, and to enclose the grounds belonging to the Asylum, which originated in the Assembly.

This bill, I would state, was received on the 10th instant, and action, on my part, delayed, because it was hoped and believed that provision would be made in the Revenue Bill, for the redemption of the eighty thousand dollars of Comptroller's Warrants, authorized by this Act to be issued from the General Fund.

The Act, passed at the last session, authorizing the erection of a State Prison, provided for the collection of a special tax to meet accruing interest on the Bonds issued to the contractor for the work, as well as for their redemption at maturity. A similar provision should have been incorporated either in this Act, or in the Revenue Bill.

In this connection, I would refer you to Article eighth of the Constitution, the spirit of which, is by some, regarded as demanding that provision, should, in all cases, be made for the payment of indebtedness incurred for special objects, or works, authorized by Acts of the Legislature.

A proper regard for this Article of the Constitution no doubt prompted the provision in the above named Act, authorising the erection of a State Prison.

The State, however, is possessed of means amply sufficient not only to pay her entire indebtedness, but also to provide for the erection, in splendid style, of every necessary public building. The failure to secure and appropriate these ample means is certainly not chargeable to neglect or indifference on the part of the Executive. All the power given me by the Constitution has been exercised to secure favorable action, and place the Treasury of the State in a condition to fully warrant such appropriation as the one provided for in this bill.

The peculiar character of this benevolent institution, designed as it is to extend relief to those suffering fellow-beings, who, bereft of reason and wrecked in mind, are thrown upon the charity of the State, alone could have induced me at this time to approve an Act so deficient in its provisions as the one under consideration, and I sincerely regret that there is not sufficient time to allow you to reconsider the same and make suitable provision for the redemption of the warrants authorised to be issued for the benefit of this charitable institution.

In conclusion, I would add that I am so anxious for the success of this institution, and so entirely willing to extend to it all the aid and encouragement necessary to its welfare, that although departing from the wise and judicious policy pursued in relation to the erection of a State Prison, I feel constrained for the reasons above stated to approve this Act, but hereafter I will, in every case, refuse to sanction appropriating large sums of money for specific objects or works which do not provide amply for the liquidation of the indebtedness thereby incurred.

JOHN BIGLER.

I have this day approved the following Acts, which originated in the Assembly, viz :

An Act to change the name of the Sutter, Jackson and Drytown, Water and Mining Company.

An Act for the relief of John Skinner, Simon Worsmer, and E. Hunter.

An Act to amend an Act concerning Corporations.

An Act to incorporate a State Agricultural Society, and appropriate money for its support.

An Act amendatory of an Act for the protection of Foreigners, and to define their liabilities and privileges ; passed March 30, 1853.

An Act granting Joseph R. Beals, and others, the right to construct a Toll Bridge across the Pajaro River.

An Act for the protection of Game.

An Act to authorize Stephen K. Nurse to build a Wharf in the county of Solano.

An Act amendatory of an Act to provide for the permanent location of the seats of justice of the several counties of this State, passed April 11, 1850.

An Act to amend an Act entitled an Act to provide for the salaries of officers, and pay of Members of the Legislature, passed May 11, 1852.

An Act to change the name of Mary Elizabeth McGreece to Mary Elizabeth Hastings.

An Act to provide for the erection of a Wharf at Santa Barbara.

An Act to amend an Act to authorize the formation of corporations for the construction of Plank or Turnpike roads.

An Act to abolish the Board of Supervisors in the county of Monterey, and to confer the jurisdiction over county business upon the Court of Sessions.

An Act to compensate H. Gomez Mauriz for translating into Spanish, and engrossing certain legislative documents.

An Act to provide John S. Bradford with duplicate warrants, in lieu of certain warrants lost or destroyed.

An Act to amend an Act to prevent the erection of Wiers, or other obstructions, to the run of Salmon, passed April 12, 1852.

An Act explanatory of an Act entitled an Act to prohibit Lotteries, passed March 11, 1851.

An Act for the relief of Henry Wohlgamuth.

An Act to authorize the Comptroller of State to issue a duplicate warrant to S. W. Langton.

An Act to adjust the amount of indebtedness of the county of Alameda to the county of Contra Costa, and provide for the payment thereof.

An Act for a special term of the District Court in the county of Placer.

An Act to provide for the erection of a Jail in the county of Monterey.

An Act to give jurisdiction to the District Court, County Courts, and Justices' Courts in Plumas county, in certain cases.

An Act to provide offices for certain county officers in the county of Sacramento.

Also, an Act entitled an Act to establish Pilots and Pilot Regulations for the Port of San Francisco.

JOHN BIGLER.

Mr. Tivy, chairman, made the following report :

The Joint Committee on Enrolled Bills on Saturday, the 13th inst., presented to his excellency, the Governor, for his approval, the following Acts, viz :

An Act for the relief of H. S. Jackson and William Buchanan.

An Act to authorise the Comptroller to issue duplicate Warrants.

An Act amendatory of an Act to amend an Act relating to Corporations.

An Act to incorporate the town of Placerville.

An Act for the relief of John Skinner and others.

An Act amendatory of an Act to provide for the permanent location of the Seats of Justice of the several counties in this State, passed April 11, 1850.

An Act to change the name of the Sutter, Jackson and Drytown Water and Mining Company to that of the Jackson Water Company.

An Act to create a Contingent Fund to pay the postage of the members of the Legislature of the year 1854.

An Act to fix the compensation of the Board of Supervisors of Tuolumne county.

An Act to authorise the Court of Sessions of Trinity county to levy a special tax for the puposes therein mentioned.

An Act defining the boundaries between the counties of Santa Barbara and San Luis Obispo.

An Act to change the name of Henry St. Clair to that of Henry St. Clair Lott.

An Act to authorise the administrator of the estate of Richmond Lumpkins, deceased, to pay over the moneys of said estate to James M. Waller.

An Act for the protection of Game.

An Act amendatory of an Act to provide for the protection of foreigners, and to define their liabilities and privileges, passed March 30, 1853.

An Act for the relief of John Boling, Sheriff of Mariposa county.

An Act to amend an Act concerning Corporations.

An Act to authorise Stephen K. Nurse to build a Wharf in the county of Solano.

An Act in reference to the Journals of the Senate and Assembly.

An Act granting Joseph R. Beals and others the right to construct a Toll Bridge across the Pajaro river.

An Act to incorporate a State Agricultural Society, and appropriate moneys for its support.

An Act to amend an Act concerning the per diem of officers of the Senate and Assembly, passed January 21, 1854.

An Act to fix the place of residence of certain State officers.

An Act authorising John Caruthers to build and construct a Turnpike or Gravel road from the city of Stockton to the towns of Sonora and Columbia, in Tuolumne county.

An Act appropriating money for the payment of Cornelius Cole for services rendered as agent of the State.

An Act to compensate H. Gomez Mauriz for translating into Spanish and enclosing certain Legislative documents.

An Act to abolish the Board of Supervisors in the county of Monterey, and to confer the jurisdiction over county business upon the Court of Sessions.

An Act to change the name of Mary Elizabeth McGreece to Mary Elizabeth Hastings.

An Act for the relief of Capt. Harry Love.

An Act explanatory of an Act entitled an Act to prohibit Lotteries, passed March 11, 1851.

An Act to amend an Act to authorise the formation of corporations for the construction of Plank or Turnpike roads, approved May 12, 1853.

An Act for the relief of Henry Wohlgamuth.

An Act to provide J. S. Bradford with duplicate Warrants in lieu of certain Warrants lost or destroyed.

An Act to authorise the Comptroller of State to issue a duplicate Warrant to S. W. Langton.

An Act to provide for the erection of a Wharf at Santa Barbara.

An Act to amend an Act entitled an Act concerning the salaries of officers and pay of members of the Legislature, passed May 11, 1852.

An Act to adjust the amount of indebtedness of the county of Alameda to the county of Contra Costa, and to provide for the payment thereof.

An Act to amend an Act entitled an Act to prohibit the erection of Weirs or other obstructions to the run of salmon, passed April 12, 1852.

The following message was received from the Senate :

I am instructed to inform the Assembly that the Senate adopted, this day, Assembly Resolution rescinding the 16th Joint Rule of the Senate and Assembly.

Respectfully,

JOHN Y. LIND,  
Secretary.

Mr. O'Neil offered the following, which was adopted :

*Resolved*, That one thousand copies of the Revenue bill be printed in English, and five hundred in Spanish, in convenient pamphlet form, and that the Secretary of State is hereby directed to forward the same to the various officers now engaged in the collection of the revenue in this State.

Mr. Bradford offered a concurrent resolution in reference to Duncan, Sherman & Co.

Resolution adopted.

On motion of Mr. Conness, Assembly bill No. 181 was taken up, read a third time, and passed.



Senate resolution, granting leave of absence to the Treasurer of Tuolumne county, taken up upon its passage, and

Messrs. Ashley, Stowe, and Letcher, demanded the yeas and nays :

## YEAS.

Messrs. Bowie, Carr, Carrillo, Cornwall, Dawley, Ewer, Fairfield, Godard, Herbert, Hollister, Houghtaling, Hoyt, Hubert, James, Mandeville, Messer, Myres, McBrayer, Nichols, Noel, J. W. Park, Pratt, Ring, Rowan, Spencer, Stowe, Sweasey, and Whipple—28.

## NAYS.

Messrs. Anderson, Ashley, Ballou, Bennett, Bostwick, Clingan, Dannels, Griffith, Hagans, Hastings, Henry, Hoff, Horr, Hunter, Jones, Koll, Letcher, McDuffie, McDaniel, McKinney, Stemmons, and Watkins—23.

So the resolution was adopted.

On motion of Mr. Griffith, Senate bill No. 209, appropriating money for Dr. Trask, read a third time and passed.

Mr. Bradford offered the following, which was adopted :

*Resolved*, That Dr. John B. Trask be requested to deliver to the Secretary of State the minerals mentioned in the list attached to his Geological Report on the Geology of the Coast Mountains, and part of the Sierra Nevada, submitted to the Legislature on the 4th of May, 1854.

Mr. O'Neil, offered a concurrent resolution appointing a joint committee to examine the Comptroller's books after the adjournment of the Legislature.

On motion, the resolution was laid on the table.

Mr. Bradford offered the following resolution, which was adopted :

*Resolved*, That the Secretary of State be directed to distribute the number of Geological Reports ordered printed, to the members of this House, in a *pro rata* proportion, after retaining 500 copies for his office, and 200 copies for Dr. John B. Trask.

Mr. Burton offered the following resolution, which was unanimously adopted :

*Resolved*, That the thanks of this Assembly are hereby unanimously tendered to the Hon. J. W. Mandeville, for the able and impartial manner in which he has discharged the duties of Speaker *pro tem.* for this House.

The hour of 12 having arrived, the special order of the day, a report made by Mr. Stowe, from the committee appointed in reference to the interest due in January last, was taken up.

Mr. Sweetland moved to take a recess for one hour.

Lost.

Mr. James moved the adoption of the report :

Mr. O'Neil moved to lay the report on the table, and Messrs. Letcher, Conness, and Stemmons, demanded the yeas and nays.

## YEAS.

Messrs. Ashley, Bagley, Ballou, Conness, Davidson, Dawley, Fairfield, Gilbert, Godard, Hoff, Hollister, Horr, Hoyt, Koll, Musser, Myres, McBrayer, McDonald, O'Neil, F. A. Park, Pratt, Purdy, Ring, Rowan, Sweasey, Tallmadge and Van Cleft—27.

## NAYS.

Messrs. Anderson, Bennett, Bowie, Bradford, Burton, Carr, Carrillo, Clingan, Cornwall, Ewer, Gordon, Hagans, Hastings, Henry, Herbert, Houghtaling, Hunter, James, Jones, Letcher, Mandeville, McDuffie, McDaniel, McKinney, Noel, Spencer, Stemmons, Stevenson, Stowe, Sweetland, Warmcastle, Watkins, Whipple, Whitman and Mr. Speaker—35.

So the motion to lay on the table was lost.

Mr. Conness moved a call of the House, which was sustained by the following vote: Messrs. Hoyt, Van Cleft and Pratt, demanding the yeas and nays.

## YEAS.

Messrs. Anderson, Ashley, Bagley, Ballou, Bostwick, Clingan, Conness, Dawley, Fairfield, Gilbert, Godard, Gordon, Hoff, Hollister, Horr, Hoyt, Irwin, Jones, Kellogg, Koll, Musser, Myres, McBrayer, McDonald, O'Neil, F. A. Park, Pratt, Purdy, Ring, Rowan, Spencer, Stevenson, Sweasey, Tallmadge, Van Cleft and Mr. Speaker—36.

## NAYS.

Messrs. Bennett, Bowie, Bradford, Burton, Carr, Carrillo, Cornwall, Dannels, Ewer, Hagans, Hastings, Henry, Herbert, Houghtaling, Hunter, James, Letcher, Mandeville, McDuffie, McKinney, Noel, Stemmons, Stowe, Sweetland, Warmcastle, Watkins, Whipple and Whitman—28.

The roll was called by the Clerk, and the following members were absent:

Messrs. French, Green, Griffith, Herbert, Hubert, Hunt, McBrayer, Nichols, J. V. Park, and Springer.

The Sergeant-at-Arms was dispatched after absentees.

On motion of Mr. James, further proceedings under the call were dispensed with.

Mr. Hoyt moved to indefinitely postpone the motion to adopt the report.

Mr. Letcher moved the previous question, which was sustained; Messrs. Hoyt, Stowe and Letcher, demanding the yeas and nays, by the following vote:

## YEAS.

Messrs. Anderson, Bennett, Bostwick, Bowie, Bradford, Briggs, Burton, Carr, Carrillo, Clingan, Cornwall, Dannels, Ewer, Gordon, Hagans, Hastings, Henry, Herbert, Houghtaling, Hunter, James, Jones, Letcher, Lindsey, Mandeville, McDuffie, McDaniel, McKinney, Noel, J. W. Park, Stemmons, Stevenson, Stowe, Sweetland, Warmcastle, Watkins, Whipple and Whitman—38.

## NAYS.

Messrs. Bagley, Ballou, Conness, Davidson, Dawley, Fairfield, Gilbert, Godard,

Hoff, Hollister, Horr, Hoyt, Hubbard, Irwin, Kellogg, Koll, Musser, Myres, McBrayer, McDonald, O'Neil, F. A. Park, Pratt, Purdy, Ring, Rowan, Spencer, Sweasey, Tallmadge and Van Cleft—30.

The motion to indefinitely postpone then came up.

Mr. Myres objected to the motion, giving as a reason that the hour of one o'clock had arrived, and, according to a resolution which passed this day, it was not competent to do any business after that hour.

The Speaker, Mr. Mandeville, in the chair, decided the motion in order; stating that the previous question had been sustained by the House prior to the hour of one o'clock, and the next motion was the indefinite postponement of the motion to adopt the report.

From which decision, Mr. Myres appealed.

The Chair refused to entertain the appeal.

The vote was then taken upon the motion to indefinitely postpone the motion to adopt the report, and

Messrs. Stowe, Letcher, and Hastings, demanded the yeas and nays:

YEAS.

Messrs. Hoff and Hollister—2.

NAYS.

Messrs. Anderson, Ashley, Bennett, Bowie, Bradford, Briggs, Burton, Carrillo, Clingan, Cornwall, Davidson, Ewer, Gordon, Hagans, Hastings, Henry, Herbert, Houghtaling, Hunter, James, Letcher, Lindsey, Mandeville, McDuffie, McDaniel, McKinney, Noel, J. W. Park, Stemmons, Stevenson, Stowe, Warmcastle, Watkins, and Whitman—34.

There being no quorum voting, the question was not decided, many of the members refusing to vote.

The Speaker then announced the hour of one o'clock, and stated that no further business would be done, except to receive reports and communications.

Mr. Conness moved to take a recess until 3 o'clock, and

Messrs. Bradford, Carrillo, and Whitman, demanded the yeas and nays:

YEAS.

Messrs. Ashley, Bagley, Ballou, Clingan, Conness, Davidson, Dawley, Gilbert, Godard, Griffith, Horr, Hoyt, Hubbard, Irwin, Kellogg, Koll, Mandeville, Myres, McBrayer, McDonald, F. A. Park, Pratt, Ring, Rowan, Tallmadge, and Van Cleft—26.

NAYS.

Messrs. Anderson, Bennett, Bowie, Briggs, Bradford, Burton, Carr, Carrillo, Cornwall, Dannels, Gordon, Hagans, Hastings, Henry, Houghtaling, Hubert, Hunter, Jones, Letcher, Lindsey, McDuffie, McDaniel, McKinney, Nichols, Noel, J. W. Park, Stemmons, Stevenson, Stowe, Warmcastle, Watkins, and Whitman—32.

So the House refused to take a recess until 3 o'clock.

Mr. Conness moved to take a recess until 4 o'clock.  
Agreed to.

Four o'clock, P. M., the House met pursuant to adjournment.  
On motion of Mr. Bradford, the House took a recess until half past 7, P. M.

Half past 7, P. M., the House met pursuant to adjournment.

Mr. Tivy, chairman, made the following report :

The Joint Committee on Enrolled Bills have examined the following Acts and Resolutions, and find them correctly enrolled, viz

An Act to amend an Act to incorporate the city of Sonora, passed May 1, 1851.

An Act to amend an Act entitled an Act declaring certain rivers and creeks navigable, passed February 18, 1851, and to amend an Act amendatory thereto, passed May 17, 1853.

An Act to amend an Act entitled an Act to regulate proceedings in Criminal Cases, passed May 1, 1851.

An Act to repeal an Act entitled an Act to provide for the appointment of a Guager, for the port of San Francisco, approved May 3, 1852.

An Act defining the legal distance from each county seat in the State of California, to the State Capital, at Sacramento, the State Lunatic Asylum, at Stockton, and the State Prison, at San Quentin.

An Act making appropriations to meet the civil expenditures of the Government of this State, accruing prior to the 1st day of February, 1854, and estimated deficiencies heretofore made to meet the current expenses of Government from 1st day of February, 1854, to the 1st day of February, 1855.

Senate Joint Resolution tendering thanks of the Legislature to our Senators and Representatives in Congress.

An Act allowing James Golden to collect tolls on a certain road in Sierra county.

Joint Resolutions in relation to the Pacific Railway.

An Act concerning Public Ferries and Toll Bridges.

An Act to provide Revenue for the support of the Government of this State.

An Act to authorize the Treasurer of the County of Los Angeles, to retain money belonging to the General Fund of the State for the benefit of the Los Angeles Rangers.

An Act to fund the debt of the county of Mariposa, and provide for the payment of the same.

An Act for the relief of Benjamin F. Marshall, late sheriff of Calaveras county.

An Act to provide for the appointment of Deputy County Treasurers.

An Act creating a Board of Commissioners, and the office of Overseer in each Township of the several counties of this State, to regulate water courses within their respective limits.

An Act to amend an Act entitled an Act concerning the office of Surveyor General.

An Act to authorize Larkin Richardson to build a wharf in Solano county.

An Act concerning the office of Secretary of State.

An Act amendatory of an Act entitled an Act to provide for the incorporation of Railroad Companies, approved April 22, 1853.

An Act to authorize Wm. F. McLean and George Calloway, to build a wharf in the county of San Francisco, beyond the western limits of the city of San Francisco, and near to said line.

An Act to authorize William Roberts, and others, to build a wharf at Bucksport, in Humboldt county.



An Act to fund that portion of the debt of Trinity county, accruing previous to the 12th of May, 1853, apportioned to Humboldt county, and provide for the payment thereof.

An Act amendatory of an Act dividing the State into counties, and establishing the seats of justice therein, passed April 25, 1851.

An Act to amend section 7, of an Act entitled an Act concerning the office of Surveyor General.

An Act to authorize the Comptroller of State to issue duplicate warrants to Smith, Brothers & Co.

An Act to authorize and enable Dr. John B. Trask to continue his Geological examinations of parts of the State of California.

An Act for the relief of Powell Weaver.

An Act amendatory of and supplementary to an Act to regulate proceedings in civil cases in the Courts of Justice of this State.

Concurrent resolution granting leave of absence to Peter O. Bertine, Esq., Treasurer of Tuolumne County, for four months.

The following messages were received from the Governor :

EXECUTIVE DEPARTMENT, }  
Sacramento City, May 15, 1854. }

*To the Assembly of California :*

An Act entitled an Act in reference to the Journals of the Senate and Assembly, is herewith returned without approval.

This Act would seem to authorise compensation to the officers named in addition to the per diem allowed by existing law without fixing the amount which they are to receive.

Believing the compensation now allowed amply sufficient, the bill is returned without approval.

JOHN BIGLER.

The House refused to pass the bill by a two-thirds vote.

An Act entitled an Act to authorise William F. McLean and George Calloway to build a Wharf in the county of San Francisco beyond the western limits of the city of San Francisco and near the said line, is herewith returned without approval.

This Act grants the parties named in it the privilege of building a Wharf on property belonging to the State, and also to enjoy, for twenty years, the entire proceeds derived from its use.

I cannot yield assent to this Act for the reason that long before the expiration of the term of years for which the privilege is granted, the limits of the city will, unquestionably, be extended, and if the Wharf authorised to be erected should prove not to be on a line with a street, serious inconveniences must result, and the interests of the State thereby injuriously affected.

JOHN BIGLER.

The House refused to pass the bill by a two-thirds vote.

Mr. Van Cleft offered a Concurrent Resolution, which was adopted, appointing a Joint Committee to wait upon the Governor prior to adjournment, and

Messrs. Van Cleft, Myres and Whitman were appointed on the part of the Assembly.

Mr. McBrayer offered the following, which was adopted :

*Resolved*, By the Assembly, that the thanks of this House are hereby tendered to Blanton McAlpin, Chief Clerk of the Assembly, and to J. W. Scobey, Assistant Clerk, for the attentive and efficient discharge of the duties of their office.

Mr. J. W. Park offered the following, which was adopted :

*Resolved*, That the thanks of the Assembly be hereby tendered to the Sergeant-at-Arms, Door-Keeper, Pages, Porters, Clerks and Attachees, for the faithful and prompt discharge of their duties.

Mr. Dawley offered a resolution tendering thanks to the different reporters for their impartial reports through the various papers of the State.

Resolution adopted.

The following message was received from the Senate :

I am instructed to inform the Assembly that the Senate has concurred in Assembly Resolution to appoint a committee to wait upon the Governor, and have appointed on their part, Messrs. Mahoney, Sawyer and Bryan.

Respectfully,

JOHN Y. LIND,  
Secretary.

Mr. Ring offered the following, which was adopted :

*Resolved*, That the porters be requested to clean up the Assembly Chamber tomorrow morning, and that the Sergeant-at-Arms be instructed to allow for the same in the certificates furnished them.

Mr. Conness was appointed in place of Mr. Whitman to wait upon the Governor.

The following message was received from the Governor :

EXECUTIVE DEPARTMENT. }  
Sacramento City, May 15, 1854. }

*To the Assembly of the State of California :*

I have this day approved the following Acts, which originated in the Assembly, viz :

An Act to authorise William Roberts and others to build a Wharf at Bucksport, in Humboldt county.

An Act to fund that portion of the debt of Trinity county accruing previous to the 12th of May, 1853, apportioned to Humboldt county, and provide for the payment thereof.

An Act for the relief of Powell Weaver.

An Act amendatory of an Act dividing the State into counties, and establishing the seats of Justice therein, passed April 25, 1851.

An Act amendatory of an Act to provide for the incorporation of Railroad Companies, approved April 22, 1853.

An Act to amend section seven of an Act entitled an Act concerning the office of Surveyor General.

An Act to provide for the appointment of Deputy County Treasurers.

An Act for the relief of Capt. Harry Love.

An Act creating a Board of Commissioners, and the office of Overseer, in each township of the several counties of the State, to regulate water courses within their respective limits.

An Act concerning the office of Secretary of State.

An Act for the relief of John Boling, Sheriff of Mariposa county.

An Act to authorise Larkin Richardson to build a Wharf in Solano county.

It is proper here to state, on the eve of your final adjournment, that the several relief bills approved this session only received my signature after having the concurrence of Senators and members of the Assembly from the respective counties in which the claimants reside, that the claims were equitable and valid.

JOHN BIGLER.

Mr. Van Cleft made the following report :

The committee appointed on the part of the House to wait upon his Excellency the Governor, for the purpose of ascertaining whether he has any further communication to make, report that they have discharged that duty, and that the Governor has no further communication for this House, except what is herewith presented, in writing, addressed to the Speaker of the Assembly.

The following message was received from the Governor, and 2,000 copies ordered to be printed :

EXECUTIVE DEPARTMENT, }  
Sacramento City, May 15, 1854. }

*To the Senate and Assembly of California :*

Your committee inform me that you are ready to adjourn, and desire to know whether I have any further communication to make.

In response I cannot refrain from expressing sincere regret that all the more important measures required by the people, have been defeated either by a direct vote or delay in acting upon them.

The bill providing for the extension of the water front of the city of San Francisco, passed the Assembly, but was defeated in the Senate, by an adjournment of that body on Friday last, before it could be received and read a first time.

This important measure, if it had received your sanction, would, in a comparatively short period of time have secured the payment of the entire State Debt, and relieved the people from the burthen of taxation, in which they have heretofore acquiesced patiently, believing that the present Legislature would provide for the relief, by the appropriation of those ample means so entirely within their reach.

The bill providing for the selection of the balance of School, Seminary, and other Public Lands, to my great surprise, met with determined opposition, and was finally defeated.

I deeply regret the defeat of this bill, because a failure, for another year, to select these lands, will doubtless place beyond the reach of the State, all the more valuable public lands which might now have been secured, and, of course, to some extent deprive the rising generation of the benefits of the liberal donations made by Congress.

The bill providing for the protection of actual settlers, although passed in the Assembly by a large majority, failed to receive the approval of the Senate.

I had indulged the hope that this measure, so exceedingly important to the interests of the great mass of agriculturalists, would have received your willing approval.



This hope, confidently indulged, no less by the people than myself, has not been realized, and the duty will again devolve upon them of selecting representatives before favorable action on the subject can be obtained.

Notwithstanding that the evidence of the Auctioneers themselves has been presented, to the effect that the "State duties," are by them uniformly collected to the amount annually of not less than one hundred thousand dollars, measures have not been adopted to compel payment into the Treasury. It is proper to state, that although interested persons have most unremittingly assailed and misrepresented this measure, the amended bill provided effectually against monopoly, and allowed every person to engage in the business of an Auctioneer by giving sufficient bond for faithful compliance with the provisions of the Act and should have received the approval of your bodies, as a measure essentially necessary for the interests of the State.

You have more than once been invoked to adopt the necessary measures to secure for the State the Leidesdorff and two other escheated estates, amounting in value, in the aggregate, to at least two millions of dollars. But this recommendation, like others equally important, has not, in any effectual manner, been sanctioned, and it is now quite probable that before the meeting of another Legislature, new difficulties will arise to prevent their recovery by the State. Prompt and decisive action, in relation to these estates, would have added, at least, two millions to the School Fund.

The necessity for amendment and revision of the several Acts on the Statute book relating to Corporations was so apparent, and the evidence so clearly before you, that protection to the rights and interests of the people required your interference, that I never doubted, even for a moment, that you would take favorable action on the subject before adjournment. But, like the other important measures referred to, the people must again give expression to their views, before proper legislation in relation to corporations can be obtained.

Amendments to the Constitution have been repeatedly recommended, which, if adopted, would annually lessen the expenditures of government not less than three hundred thousand dollars. This recommendation, like most others made, has not been carried into effect by necessary legislation.

It is well known that vigorous effort is now being made by our delegation in Congress, and others, to secure the restoration of the "Civil Fund," and the assumption by the General Government of the War Debt. In order to have the statements, accounts, and vouchers, relating to these important matters so prepared, that Congress could properly understand them and legislate intelligently in relation thereto, action on your part was deemed necessary. It is to be hoped, however, that this neglect will not seriously interfere with the favorable action of Congress on these important subjects.

Your attention was also directed to the fact, that Congress, disregarding the wishes of the people of this State, as expressed by the Legislature in 1852, has authorised the Superintendent of Indian Affairs to set apart five reservations and locate the various tribes of Indians, within the limits of the State. This is not only a departure from the course pursued by the General Government for more than half a century, but cannot fail to be alike injurious to the people of the State and the Indians themselves. Not a word of remonstrance on your part has been sent to the councils of the nation, and it is, therefore, presumed that this policy, injurious as it will certainly prove to be, is fastened upon the State.

Complaints from the people have been made in almost every form, in relation to the vast immigration from Asia and the islands of the South Pacific, which is now crowding our mines to the injury of our own people, and filling our principal cities and towns with a population ignorant alike of our language and laws. By special message in 1852, I expressed fully my views on this subject, and did not deem it necessary at this session to renew them, especially as the people through the press and other channels, were making known their opinions and desires in relation to



the subject: but cannot refrain from expressing the opinion that a judicious enactment in reference thereto, should have been passed before your adjournment.

While you have failed to appropriate the vast means belonging to the State, and apply them to the payment of her debt and the support of Government, you have been lavish in appropriations for various objects, exceeding in the aggregate one million three hundred thousand dollars, from a large portion of which (\$528,219 11¢) I have felt constrained to withhold my sanction.

In conclusion, I would repeat that I sincerely regret that these various measures so highly important to the interests of the State, and which in the late canvass received the unmistakable endorsement of the people at the ballot-box, have not received your favorable consideration.

Our common constituents confidently anticipated that wise and salutary measures would be adopted to meet the wants of the State, and that a thorough system of reform would characterize the legislation of the session now drawing to a close. They hoped and believed that early provision would be made for the speedy payment of existing indebtedness, and that the finances of the State would be placed on a firm basis. By the timely and judicious appropriation of those vast means which the liberality of Congress and the unequalled resources of this young State have placed immediately within our reach, this undoubtedly might have been accomplished, and the State of California prepared to meet any future exigency that might arise.

These just hopes and expectations, however, I regret to say, have not been realized, and now, at the close of a session of four and a half months, without any provision having been made for the payment of an increased State debt, the people must another year bear oppressive and exorbitant taxation to meet the wants and requirements of a government whose expenditures under existing circumstances necessarily exceed the receipts into the Treasury.

Having, as I believe, fully discharged my duty as required by the Constitution, and from time to time, even at the risk of being considered importunate, directed your attention to these various subjects, it only remains for me, in conclusion of this, my last communication with your honorable body, respectfully to inform you that I have now no "further communication to make."

JOHN BIGLER.

The following message was received from the Senate:

I am instructed to inform the Assembly that the Senate having concluded the business of the session, is now ready to adjourn *sine die*.

Respectfully,

JOHN Y. LIND,  
Secretary.

Mr. O'Neil moved that the Speaker adjourn the House *sine die*.

Whereupon the Speaker rose and said:

At the commencement of the present year it became my privilege as well as my duty to address you, on the occasion of being elected to preside over this body. Now that the hour has arrived for the final adjournment of this House, before we separate I must be permitted to return to you my thanks, for the kind, generous and forbearing treatment, I have received from the beginning to the end of the session. During the present term of the Legislature we have been called upon to consider many matters of vital importance and original character; during these deliberations opposing opinions have often fiercely contended for supremacy in these halls. But the storms soon faded away. Friendship and mutual esteem with their genial influence

ut aside the cloud and restored the sunshine of harmony, to an assemblage collected to discuss the interests of California, and not to consider speculative or individual ends. The result has proved most beneficial. The important business of the session has been transacted and we are about to part—to sunder the cherished ties which any of us have formed during the past few months, and return to render an account of our stewardship to our several constituencies, who will, undoubtedly, freely sanction what they conceive right, and as readily condemn whatever may appear to them to be wrong.

The ruffled passions and angry feelings engendered by fierce contention and heated debates, will soon be forever calmed, and remembered among the things that were, and give way to more pleasant remembrances of attachments here formed, which will be erased only by death.

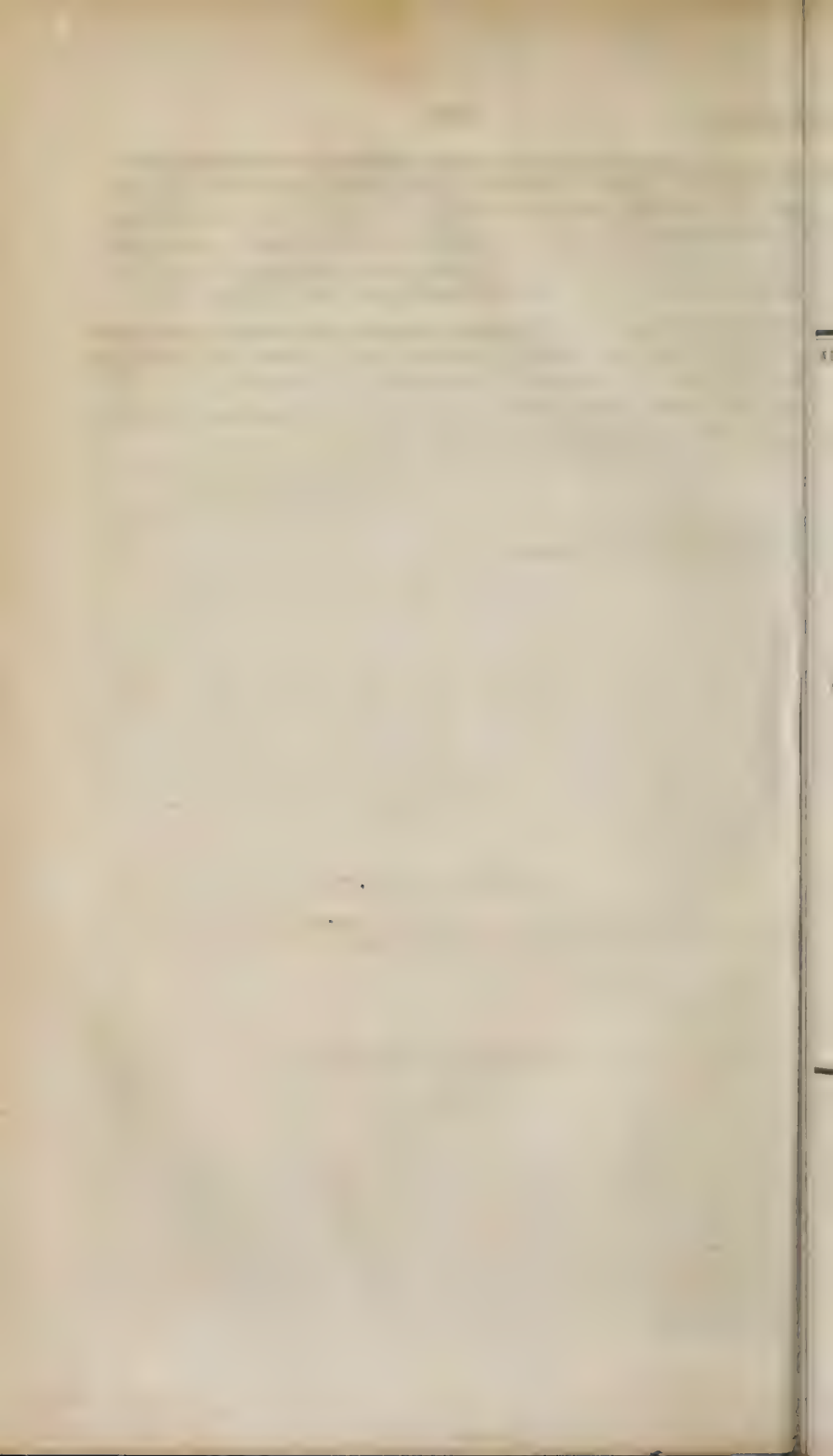
The State no longer needs our services—our homes invite us to our domestic duties, and I pronounce this House adjourned *sine die*.

CHARLES S. FAIRFAX,

Speaker of the Assembly.

BLANTON McALPIN,

Clerk of the Assembly.



Document No. 1.

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IN THE ASSEMBLY.]

[SESSION OF 1854.

ANNUAL REPORT

OF THE

TREASURER

OF THE

STATE OF CALIFORNIA.

[GEORGE KERR, STATE PRINTER.

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THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO

## REPORT.

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STATE TREASURER'S OFFICE, }  
Benicia, Dec. 15, 1853. }

To His Excellency, JOHN BIGLER,  
Governor of the State of California—

SIR :

In conformity with "An Act concerning the office of State Treasurer," approved January 24, 1850, the following Annual Report for the Fiscal Year, ending June 30, 1853, is herewith respectfully submitted.

Your obedient servant,

RICHARD ROMAN,  
State Treasurer



FROM WHOM RECEIVED.		3 PER CENT. BONDS.	INTEREST.	WARRANTS.	CASH.
1852, June 30,	Balance in the Treasury,	-	-	-	\$32,198 81
July 2,	Treasurer of Yuba county,	-	-	-	1,691 84
" 5,	" Santa Cruz county,	-	-	-	146 30
" 7,	" San Francisco "	-	-	-	15,544 62
" 7,	" Santa Barbara "	-	-	-	401 80
" 7,	" Sacramento, "	-	-	-	2,578 89
" 8,	" Placer "	-	-	-	2,152 32
" 10,	Commissioner of Emigrants,	-	-	-	12,008 00
" 12,	Treasurer of Siskiyou county,	-	-	-	459 25
" 22,	" Placer "	-	-	-	1,446 41
" 23,	" El Dorado "	-	-	-	3,030 25
" 23,	" San Luis Obispo county,	-	-	-	583 50
" 26,	" Sutter "	-	-	-	737 01
Aug. 4,	Commissioners of Emigrants,	-	-	-	24,177 50
" 11,	Treasurer of Los Angeles county,	-	-	-	1,728 00
" 24,	" Monterey "	-	-	-	422 27
Sept. 1,	" Placer "	-	-	-	2,308 25
" 8,	Commissioners of Emigrants,	-	-	-	12,996 00
" 16,	Treasurer of San Joaquin county,	-	-	-	3,040 79
" 17,	" Solano "	-	-	-	570 26
" 20,	Secretary of State,	-	-	-	310 00
" "	Comptroller of State,	-	-	-	
Oct. 4,	Treasurer of Yuba county,	-	-	-	3,164 83
" 8,	Commissioner of Emigrants, -	-	-	\$235 00	1,977 90



## RECEIPTS INTO THE STATE TREASURY—CONTINUED.

	FROM WHOM RECEIVED.	3 PER CENT. BONDS.	INTEREST.	WARRANTS.	CASH.
1852, Oct. 9,	Treasurer of Santa Clara county,	-	-	-	\$1,890 09
" 15,	" San Francisco county,	-	\$93 80	-	4,178 67
" 16,	" Colusi	-	-	-	38 93
" 16,	" Colusi	-	-	-	1,139 93
" 18,	" Tuolumne	-	-	-	4,460 12
" 18,	" Tuolumne	100 00	36 00	600 00	3,024 49
" 20,	" Contra Costa	-	-	-	2,480 00
Nov. 1,	" Sutter	-	-	-	500 00
" 8,	Commissioner of Emigrants	-	-	-	5,049 25
" 16,	Treasurer of El Dorado county,	-	-	-	10,395 50
" 18,	" Placer	-	-	-	10,584 89
" 20,	" Trinity	-	-	-	766 65
Dec. 9,	" Sacramento	-	-	-	12,078 40
" 10,	Commissioner of Emigrants,	-	-	-	1,258 75
" 15,	Treasurer of San Joaquin county,	-	-	-	10,398 09
" 15,	" San Francisco	-	-	-	27,480 30
" 15,	" Tuolumne	1,025 00	975 57	-	3,250 00
" 21,	" Contra Costa	-	-	-	6,679 40
" 22,	" Monterey	-	-	-	5,399 28
" 22,	" Shasta	-	-	-	429 27
" 24,	" Placer	-	-	-	1,307 08
" 28,	" Klamath	-	-	-	549 62
" 29,	" Nevada	-	-	-	8,405 99
" 31,	Secretary of State	-	-	-	200 00

1853, Jan. 3,	Treasurer of Sutter county,	-	-	\$1,514 00
" 3,	" El Dorado county	-	-	6,427 11
" 4,	" San Luis Obispo county	-	-	769 63
" 5,	District Attorney of Sonoma,	-	-	3,782 95
" 6,	Treasurer of Butte county,	-	-	3,092 73
" 6,	Commissioner of Emigrants,	-	-	612 75
" 10,	Secretary of State,	-	-	302 00
" 10,	Treasurer of Santa Barbara county,	-	-	3,028 54
" 17,	" Sonoma	-	-	4,665 58
" 17,	" Marin	-	-	3,014 68
" 20,	" Yolo	-	-	780 48
" 20,	" Yolo	-	-	3,795 53
" 20,	" Calaveras	-	-	4,000 00
" 25,	" Tuolumne	-	-	2,000 00
" 28,	" San Diego	-	-	595 11
Feb. 1,	City of San Francisco, per Commissioners Funded Debt,	-	-	10,000 00
" 3,	Commissioner of Emigrants,	-	-	2,403 50
" 3,	Treasurer of Mariposa county,	-	-	6,091 28
" 4,	" Napa	-	-	1,725 00
" 14,	" Los Angeles	-	-	7,626 53
" 14,	" Calaveras	-	-	5,870 96
" 16,	" Siskiyou	-	-	2,943 02
" 28,	" San Francisco city,	-	-	5,113 31
" 19,	" El Dorado county,	-	-	3,575 00
March 3,	Commissioner of Emigrants,	-	-	3,424 19
" 4,	Treasurer of Solano county,	-	-	100 00
" 5,	" Napa	-	-	96 20
" 11,	" Yuba	-	-	760 00
" 11,	Secretary of State,	-	-	8,084 68
" 14,	"	-	-	180 00
				65 00

## RECEIPTS INTO THE STATE TREASURY—CONTINUED.

FROM WHOM RECEIVED.		3 PER CENT. BONDS.	INTEREST.	WARRANTS.	CASH.
1853, Mar. 15,	Treasurer of Tuolumne county, - - -				\$5,600 00
" 15,	Comptroller of State, - - -			\$265 00	
" 22,	Treasurer of San Joaquin county, - - -				1,746 15
" 26,	City of San Francisco, per Hiram Pearson, - - -				1,312 50
" 29,	Treasurer of Sacramento county, - - -				3,320 07
" 31,	" " Trinity - - -				436 93
April 2,	" " Calaveras - - -				800 00
" 5,	Commissioner of Emigrants, - - -				3,595 50
" 7,	City of San Francisco, per D. W. Connelly, - - -				212 50
" 8,	" " " Commis'rs of Funded Debt, - - -				7,000 00
" 13,	Treasurer of El Dorado county, - - -				3,500 00
" 22,	" " Solano - - -	\$225 00	\$251 68		2,312 56
" 29,	City of San Francisco per Commis'rs of Funded Debt, - - -				8,267 95
May 5,	Commissioner of Emigrants, - - -				6,718 50
" 10,	Treasurer of San Francisco county, - - -	600 00	624 00		17,195 88
" 20,	" " Placer - - -				9,000 00
" 20,	City of San Francisco per Commis'rs of Funded Debt, - - -				2,300 00
June 1,	Treasurer of Napa county, - - -				841 47
" 1,	Commissioner of Emigrants, - - -				4,834 80
" 9,	Treasurer of Marin county, - - -				283 70
" 10,	" " Contra Costa county, - - -				690 20
" 13,	Secretary of State, - - -				99 20
" 20,	Treasurer of Sonoma county, - - -				806 66
" 20,	" " Nevada - - -			186 00	7,230 99

1853, June 21, Treasurer of Shasta county,	-	-	-	-	\$2,178 88
" 21, " San Joaquin county,	-	-	-	-	985 22
" 22, " Yuba	-	-	-	-	3,892 32
" 23, " Tuolumne	-	-	-	-	1,400 00
" 23, " Butte	-	-	-	-	3,153 39
" 29, " Siskiyou	-	-	-	-	1,599 18
" 29, Commissioner of Emigrants,	-	-	-	-	5,337 00
" 30, Treasurer of San Diego county,	-	-	-	-	3 80
Received for Bonds issued Act April 29, 1851,	-	-	-	-	
Issued May 1, 1852, -	-	-	-	-	
Land Warrants issued,	-	-	-	-	
Treasurer's Certificates issued,	-	-	-	-	
Small Balances due on Warrants for which no Certificates were issued,	-	-	-	-	
				92	
	\$1,353,650 00	\$26,400 00	\$13,984 04	\$2,565 00	\$454,135 61

Total, \$1,850,734 65.



PAYMENTS OUT OF THE STATE TREASURY DURING THE  
FISCAL YEAR ENDING JUNE 30, 1853,

Paid out of the General Fund, Warrants Redeemed, . . . . .	\$1,378,991 98	
Temporary State Loan Bonds Redeemed, Principal, . . . . .	72,200 00	
Temporary State Loan Bonds Redeemed, Interest, . . . . .	68,195 85	
Treasurer's Certificates Redeemed, . . . . .	20,515 93	
	<hr/>	\$1,539,903 76
Paid out of Interest Fund of 1851, \$34,500.		
Bonds redeemed, . . . . .	33,912 50	
Interest, . . . . .	34,587 06	
	<hr/>	58,499 56
Paid out of Interest Fund of 1852, Interest, . . . . .		56,439 44
Paid out of School Fund, Temporary State Loan Bonds redeemed, Principal, . . . . .	1,950 00	
Paid out of School Fund, Temporary State Loan Bonds redeemed, Interest, . . . . .	1,950 45	
	<hr/>	3,900 45
Paid out of Sacramento State Hospital Fund, Warrants on the Hospital Fund paid . . . . .	29,384 61	
Temporary State Loan Bonds redeemed, Principal . . . . .	2,475 00	
Temporary State Loan Bonds redeemed, Interest, . . . . .	1,940 77	
	<hr/>	33,800 38
Paid out of Stockton State Hospital Fund, Warrants on the Hospital Fund, . . . . .	21,521 30	
Temporary State Loan Bonds Redeemed, Principal, . . . . .	2,500 00	
Temporary State Loan Bonds Redeemed, Interest, . . . . .	1,953 85	
	<hr/>	25,975 15
Paid out of San Francisco State Marine Hospital Fund, Warrants on Hospital Fund, . . . . .		66,166 97
Paid out of State Library Fund, Warrants on Fund, . . . . .		755 00

## PAYMENTS OUT OF STATE TREASURY—CONTINUED.

Paid out of Military Fund, Warrants on Fund, . . . . .		60 20
Balance in the Treasury, Temporary State Loan Bonds, . . . . .	9,900 00	
Cash, . . . . .	55,333 74	
	<hr/>	65,233 74
In General Fund Temporary State Loan Bonds, . . . . .	9,900 00	
Cash, . . . . .	21,167 41	
In Interest Fund of 1851, Cash, . . . . .	23,535 04	
In School Fund, Cash, . . . . .	17,812 68	
In Stockton State Hospital Fund, Cash, . . . . .	3,037 09	
In Insane Fund, cash, . . . . .	776 96	
In State Prison Interest Fund, Cash, . . . . .	203 03	
	<hr/>	76,432 21
Less Amount due by Interest Fund of 1852, . . . . .	11,198 47	
	<hr/>	65,233 74
	<hr/>	\$1,850,734 65

## GENERAL FUND RECEIPTS.

FROM WHOM RECEIVED.			3 PER CENT. BONDS.	INTEREST.	WARRANTS.	CASH.
1852	June 30.	Amount in Fund,				\$6,169 56
July	2,	Treasurer of Yuba county,	\$9,884 00			169 71
"	5,	" Santa Cruz county,				68 36
"	7,	" San Francisco county,				13,291 69
"	7,	" Sacramento	5,600 00	\$4,379 68		644 73
"	7,	" Santa Barbara				308 85
"	8,	" Placer				2,152 32
"	12,	" Siskiyou				170 69
"	22,	" Placer				1,017 38
"	23,	" San Luis Obispo				437 62
"	23,	" El Dorado				3,030 25
"	26,	" Sutter				566 94
Aug.	11,	" Los Angeles				1,544 16
"	24,	" Monterey				113 69
Sept.	1,	" Placer				2,308 25
"	16,	" San Joaquin				2,452 41
"	17,	" Solano				517 64
Oct.	4,	" Yuba				3,013 41
"	9,	" Santa Clara	100 00	93 80		1,020 98
"	15,	" San Francisco				4,027 37
"	16,	" Colusi				887 66
"	18,	" Tuolumne	100 00	36 00	\$500 00	4,460 12
"	18,	" Tuolumne				1,553 94
Nov.	1,	" Sutter				365 00

1852, Nov. 16,	Treasurer of El Dorado	"	.	.	\$10,395 50
" 18,	" Placer	"	.	.	9,359 32
" 20,	" Trinity	"	.	.	732 71
Dec. 9,	" Sacramento	"	.	.	120 40
" 15,	" San Joaquin	"	.	.	2,594 58
" 15,	" San Francisco	"	.	.	253 90
" 15,	" Tuolumne	"	.	.	3,250 00
" 18,	" School Fund,	"	.	.	405 72
" 21,	" Contra Costa county,	"	.	.	891 00
" 22,	" Monterey	"	.	.	597 43
" 22,	" Shasta	"	.	.	157 34
" 24,	" Placer	"	.	.	140 98
" 28,	" Klamath	"	.	.	544 44
" 29,	" Nevada	"	.	.	6,787 23
1553, Jan. 3,	" Sutter	"	.	.	518 12
" 3,	" El Dorado	"	.	.	3,989 66
" 4,	" San Luis Obispo	"	.	.	87 12
" 5,	" Sonoma	"	.	.	2,909 95
" 6,	" Butte	"	.	.	2,225 52
" 10,	Secretary of State,	"	.	.	302 00
" 14,	Treasurer of Santa Barbara county,	"	.	.	401 92
" 17,	" Sonoma	"	.	.	1,179 91
" 18,	" Marin	"	.	.	673 60
" 20,	" Yolo	"	.	.	597 62
" 20,	" Yolo	"	.	.	1,147 12
" 20,	" Calaveras	"	.	.	4,000 00
" 25,	" Tuolumne	"	.	.	2,000 00
" 29,	" San Diego	"	.	.	191 33
Feb. 1,	City of San Francisco per Commis's of Funded Debt,	"	.	.	10,000 00
" 4,	Treasurer of Mariposa county,	"	.	.	5,107 93



# GENERAL FUND RECEIPTS—CONTINUED.

	FROM WHOM RECEIVED.	8 PER CENT. BONDS.	INTEREST.	WARRANTS.	CASH.
1853, Feb.	Treasurer of Napa county,				\$360 00
" 14,	Los Angeles "				1,166 33
" 14,	Calaveras "				4,156 58
" 16,	Siskiyou "				2,048 63
" 19,	El Dorado "				5,682 66
" 28,	San Francisco city,				
March 4,	Solano county,	\$3,575 00	\$3,424 19		
" 11,	Yuba "				135 04
" 15,	Tuolumne "				2,741 82
" 22,	San Joaquin county				3,762 40
" 26,	City of San Francisco per Hiram Pearson,				242 30
" 29,	Treasurer of Sacramento county,				1,312 50
" 31,	Trinity "				928 36
April 2,	Calaveras "				147 20
" 7,	City of San Francisco per D. W. Connelly,				800 00
" 8,	" " per Commis'rs of Funded Debt,				212 50
" 13,	Treasurer of El Dorado county,				7,000 00
" 29,	City of San Francisco per Commis'rs of Funded Debt,				3,500 00
May 10,	Treasurer of San Francisco county,				8,267 95
" 20,	Placer "				99 03
" 20,	City of San Francisco per Commis'rs of Funded Debt,				7,380 50
June 1,	Treasurer of Napa county,				2,300 00
" 9,	Marin "				289 55
" 10,	Contra Costa county,				78 46
					66 62

1853, June 13, Secretary of State,	.	.	.	.	\$99 20
" " 20, Treasurer of Sonoma county,	.	.	.	.	128 30
" " 20, " Nevada	.	.	.	.	6,221 00
" " 21, " Shasta	.	.	.	.	1,874 39
" " 21, " San Joaquin	.	.	.	.	193 56
" " 22, " Yuba	.	.	.	.	2,979 37
" " 23, " Tuolumne	.	.	.	.	114 89
" " 23, " Butte	.	.	.	.	2,155 62
" " 29, " Siskiyou	.	.	.	.	922 51
" " 30, " San Diego	.	.	.	.	3 80
Senate Contingent of 1850,	.	.	.	.	
State Library Fund,	.	.	.	.	
Received for Bonds issued, Act April 29, 1851,	.	.	.	41,500 00	
" " " May 1, 1852,	.	.	.	1,052,500 00	
Land Warrants issued,	.	.	.	257,120 00	
Treasurer's Certificates issued,	.	.	.	22,529 08	
Small Balances due on Warrants for which no Certificates were issued,	.	.	.	92	
				\$19,475 00	\$8,138 97
				\$2,565 00	\$187,142 20
Total, \$1,570,971 17.					

## GENERAL FUND—PAYMENTS.

Per diem and mileage of Members of the Legislature. Con- testants, and President of the Senate, . . . . .	\$240,844 00
Pay of Officers, Clerk, Porters, Pages and Witnesses of the Legislature, . . . . .	106,521 00
Contingent Expenses of the Legislature, Fuel, Postage, Furniture, &c., . . . . .	15,670 11
Newspapers for the Legislature, . . . . .	4,144 47
Public Printing, . . . . .	221,809 63
Transportation and subsistence of Prisoners and Criminal Prosecutions, . . . . .	78,025 67
Sacramento State Hospital, support and maintenance, . . . .	43,100 00
Stockton State Hospital, support and maintenance, . . . .	37,492 64
Erection of Stockton State Hospital, . . . . .	82,500 00
Purchase of Sacramento State Hospital, . . . . .	25,000 00
Transportation of the Insane from Sacramento to Stockton, do do do do Siskiyou county to In- sane Asylum, . . . . .	1,000 00 640 00
Relief of sick in San Diego city, . . . . .	2,000 00
Relief of Overland Emigrants, . . . . .	24,000 00
Purchase of Site for State Prison, . . . . .	10,000 00
Pay of Census Agents, . . . . .	65,172 00
Indexing and appendixing Laws and Journals, . . . . .	5,567 38
Distribution of the Laws, . . . . .	1,000 00
Presidential Elections, . . . . .	744 40
Messengers of Election Returns, . . . . .	1,080 30
Materials &c., for erection of State Prison, paid F. Vas- sault, . . . . .	18,315 00
State Library, . . . . .	500 00
Plans and drawings prepared for the State Prison in Marin county, . . . . .	300 00
Pay of State Translator, . . . . .	4,116 00
Relief of Elcan Heydenfeldt, . . . . .	950 00
“ W. J. Whitney, . . . . .	12,531 82
“ Lovett & Co., . . . . .	365 90
“ Sault & Page, . . . . .	1,022 38
“ J. Hammond, . . . . .	309 96
“ W. H. Eddicott, . . . . .	380 00
“ E. Barry, . . . . .	1,500 00
“ C. H. Veeder, . . . . .	205 00
“ Hurlay & Davis, . . . . .	39 00
“ Thomas J. Green, . . . . .	253 80
“ M. Dougherty, . . . . .	125 00
“ J. K. Shaffer, . . . . .	400 00
“ A. G. Kimbell, . . . . .	187 00
“ R. Palmer, . . . . .	90 00
“ W. E. P. Hartnell, . . . . .	690 00
“ William Rogers, . . . . .	250 00

## GENERAL FUND PAYMENTS—CONTINUED.

Relief of James S. Raines,	100 00
" Captain Card,	790 00
" E. J. C. Kewen	1,150 00
" Taffe & McCahill,	2,056 00
" Cooke & LeCount,	472 50
" R. N. Wood,	100 00
" S. A. McMeans,	100 00
" Helen Lount,	463 00
" Cronin & Markley,	900 00
" A. A. Brinsmade,	200 00
" Benjamin Chapman,	781 25
" Taffe & McCahill,	5,503 00
" J. D. Monnett,	1,000 00
" Soule & Page,	534 36
" A. A. Moss,	200 00
" John Furber,	80 00
" P. McGill,	104 00
" F. M. Hudson,	150 00
" William Reed,	110 00
" M. C. Dougherty,	1,062 75
" F. J. Goforth,	122 00
" James McCranston,	224 43
" E. G. Baker,	850 00
" Shirley & Bailey,	818 75
" Thomas Green,	1,000 00
" Albert G. Hart,	596 00
" George Dingley,	500 00
" William Waldo,	27,000 00
" Charles E. Pickett,	9,500 00
Thomas & Morse as Attorneys for State in conducting suits against owners of Vessels	2,000 00
Morse & Thomas for prosecuting delinquent tax payers in San Francisco,	1,500 00
E. Randolph for services as Attorney in the suit of Fowler vs. Pierce, in Supreme Court,	3,000 00
Isaac Thomas and P. A. Morse for legal services rendered the State in San Francisco,	3,500 00
Removal of Archives from Sacramento City to Vallejo as per contract,	1,100 00
Wharfage and labor removing Archives from Vallejo to San José and Sacramento,	130 00
Freight on Archives from San Francisco to Sacramento City,	591 00
Fitting up rooms in Capitol at Sacramento,	517 62
Pay of Commissioners in laying off Public Grounds at Vallejo,	300 00
B. F. Butler for lithographing State Bonds,	1,500 00



## GENERAL FUND PAYMENTS—CONTINUED.

Cooke & LeCount for engraving and preparing School Land Warrants,	500 00
LeCount & Strong for engraving new issue of Comptroller's Warrants,	215 00
R. W. Fishbourn for lithographing War Bonds,	900 00
E. A. Theller for lithographing and printing the Chinese translation of the Foreign Miner's Law,	150 00
Blank books, furniture and stationery furnished Clerk of the District Court, Monterey county in 1850,	703 00
Printing blank forms and binding books by order of County Treasurer, San Francisco county,	526 00
Stationery and printing blanks for Treasurer of San Francisco county,	73 50
Fees paid Clerks of Supreme and District Courts in State cases,	4,343 68
Costs of suit in case of State vs. Woodlief decreed against the State,	620 00
Nathaniel Bennett for 150 copies Supreme Court Reports, Vol. 1,	2,400 00
Fred. A. Snyder, amount appropriated for compilation and publication of Laws,	4,000 00
Translating into Spanish the Governor's Message and Comptroller's Report,	1,280 00
McBride & Colburn for furnishing blocks of marble for Washington Monument,	9,000 00
Wm. G. Marcy for going to Monterey after State Archives in 1850,	95 00
Nicholas Blair for apprehending John Thornby under Governor's Proclamation,	500 00
J. H. Bean for apprehending and delivery to Sheriff, of Edward Hines, a murderer,	1,000 00
A. D. Patterson for amount allowed for self and posse for pursuing H. B. Heatherby, charged with murder,	1,148 00
Marshal of San Francisco for subsistence of 3 slaves in San Francisco,	450 00
J. R. Bardenburgh for traveling expenses after fugitive from Justice, under Executive orders,	76 00
Transmitting Census Forms,	18 00
Albert Rowe for surveying the boundary of Sacramento County, in 1852,	2,268 00
Compiling Census for Secretary of State per appropriation,	405 00
John B. Trask appropriation for survey of the State,	2,000 00
Military Fund,	82 60
Special Contingent Senate Fund of 1850,	16 00
Illegal Warrant,	812 50
Salary of Governor,	14,609 98
"      Secretary of State,	10,732 66

## GENERAL FUND PAYMENTS—CONTINUED.

Salary of Comptroller of State,	9,281 28
" Treasurer of State,	13,310 00
" Attorney General,	6,083 32
" Superintendent of Public Instruction,	7,790 00
" Quarter Master General,	3,399 98
" Surveyor General,	8,768 00
" State Prison Inspectors and Commissioners,	6,967 79
" Superintendent Public Buildings,	6,722 21
" District Attorneys	37,561 07
" Judges of the Supreme Court,	33,612 48
" Judges of the District Court,	98,416 34
" Governor's Private Secretary,	1,520 00
" Clerks to Secretary of State,	3,504 93
" Clerks to Comptroller of State,	6,324 60
" Clerks to Treasurer of State and Board of Examiners of War Claims,	7,649 30
Pay of Clerk to Superintendent Public Instruction,	600 00
Governor's Contingent Fund,	6,941 80
Incidental expenses of Governor's Office,	1,322 29
" " Secretary of State's Office	4,457 58
" " Comptroller of State's Office,	3,722 40
" " State Treasurer's "	2,086 45
" " Attorney General's "	5,159 50
" " Supt. Pub. Instruction's "	2,124 42
" " Quarter Master General's Office,	922 50
" " Surveyor General's "	1,840 23
" " Supreme Court,	6,163 57
" " Making Map of the State,	2,214 00
Temporary State Loan Bonds redeemed, Principal,	\$72,200 00
Temporary State Loan Bonds redeemed, Interest,	68,195 85
	<hr/>
	140,395 85
Treasurer's Certificates redeemed,	20,515 92
Balance due Fund, Cash,	21,167 41
Temporary State Loan Bonds	9,900 00
	<hr/>
	31,067 41
	<hr/>
	\$1,570,971 17

## INTEREST FUND OF 1851—RECEIPTS.

1852, June 30,	Amount in fund.		\$9,833 86
July 2,	Treasurer of Yuba county,		731 06
5,	" Santa Cruz county,		52 99
7,	" San Francisco county,		2,281 25
7,	" Santa Barbara "		92 95
22,	" Placer "		158 71
23,	" San Luis Obispo "		145 88
26,	" Sutter "		170 07
Aug. 11,	" Los Angeles "		183 84
24,	" Monterey "		97 49
Oct. 4,	" Yuba "		60 00
9,	" Santa Clara "		390 49
15,	" San Francisco "		143 80
16,	" Colusi "		170 19
20,	" Contra Costa "		1,240 00
Nov. 1,	" Sutter "		135 06
18,	" Placer "		367 76
Dec. 9,	" Sacramento "		5,979 00
15,	" San Joaquin "		3,716 04
17,	" San Francisco "		14,613 48
18,	" School Fund,		232 74
18,	Interest Fund of 1852,		466 47
21,	Treasurer of Contra Costa county,		2,394 20
22,	" Monterey "		2,345 41
22,	" Shasta "		68 11
Dec. 24,	" Placer "		365 44
28,	" Klamath "		2 59
29,	" Nevada "		306 62
1853, Jan. 3,	" Sutter "		535 10
3,	" El Dorado "		878 14
4,	" San Luis Obispo "		341 26
5,	" Sonoma "		873 00
6,	" Butte "		367 94
14,	" Santa Barbara "		1,314 06
17,	" Sonoma "		1,731 00
18,	" Marin "		1,199 04
20,	" Yolo "		138 31
20,	" " "		1,268 51
29,	" San Diego "		150 48
Feb. 4,	" Mariposa "		491 65
4,	" Napa "		682 50
14,	" Los Angeles "		3,285 11
14,	" Calaveras "		166 72
16,	" Siskiyou "		297 39
March 4,	" Solano "		2,012 33
5,	" Napa "		380 00

## INTEREST FUND OF 1851—RECEIPTS CONTINUED.

1853, March 11, Treasurer of Yuba County,	.	.	2,586 99
15, " Tuolumne	"	.	918 80
22, " San Joaquin	"	.	377 83
29, " Sacramento	"	.	1,156 90
31, " Trinity	"	.	85 58
April 22, " Solano	"	.	1,387 53
May 10, " San Francisco	"	.	9,110 11
20, " Placer	"	.	350 27
June 1, " Napa	"	.	275 96
9, " Marin	"	.	102 62
10, " Contra Costa,	"	.	260 46
20, " Sonoma	"	.	385 54
20, " Nevada	"	.	234 68
21, " Shasta	"	.	48 10
21, " San Joaquin	"	.	167 95
22, " Yuba,	"	.	60 38
23, " Tuolumne	"	.	484 29
23, " Butte	"	.	598 88
29, " Siskiyou	"	.	204 34
			<hr/>
			\$82,034 60

## INTEREST FUND OF 1851—PAYMENTS.

1852, July 5, Paid John Perry, Jr. for \$1,000 Seven per cent. Bonds, at 89 cents,	\$890 00
July 20, Paid John Perry, Jr. for \$2,500 Seven per cent. Bonds, at 89 cents,	2,225 00
July 20, Paid John Perry, Jr. for \$1,000 Seven per cent Bonds, at 99 cents,	990 00
July 20, Paid B. F. Pinkham for five coupons due July 1, 1852,	87 50
Oct. 14, Paid A. G. Kimball for two coupons due January 1, 1852,	31 50
Oct. 15, Paid Palmer, Cook & Co. for interest due in New York January 1, 1853,	12,594 70
1853, Feb. 26, Paid for three coupons due Jan. 1, 1852,	52 50
Feb. 26, Paid for six coupons due July 1, 1853,	105 50
March 1, Paid John Perry, Jr., for \$24,000 Seven per cent. Bonds, at 99 $\frac{1}{2}$ cents,	23,970 00
March 3, Paid Wm. M. Smith for \$500 Seven per ct. Bonds, at 98 cents,	490 00



## INTEREST FUND OF 1851—PAYMENTS CONTINUED.

1853, March 4,	Paid W. Walker for \$4,500 Seven per ct. Bonds, at 97½ cents,	4,387 50
March 7,	Paid Stephen C. Foster for \$1,000 Seven per cent. Bonds, at 96 cents,	960 00
April 25,	Paid Palmer, Cook & Co. for interest due in New York, July 1, 1853,	11,715 86
	Balance due,	23,535 04
		<hr/>
		\$82,034 60

## INTEREST FUND OF 1852—RECEIPTS.

1852, June 30,	Amount in Fund, -	\$1,000 61
July 2,	Treasurer of Yuba County, -	507 43
" 5,	" Santa Cruz County, -	24 95
" 22,	" Placer " -	112 48
Oct. 9,	" Santa Clara " -	260 33
" 16,	" Colusi " -	94 06
" 20,	" Contra Costa " -	826 66
Nov. 18,	" Placer " -	245 18
Dec. 9,	" Sacramento " -	3,986 00
" 15,	" San Joaquin " -	2,091 49
" 15,	" San Francisco " -	9,742 32
" 21,	" Contra Costa " -	1,929 47
" 22,	" Monterey " -	1,563 60
" 22,	" Shasta " -	45 41
" 24,	" Placer " -	213 62
" 28,	" Klamath " -	1 73
" 29,	" Nevada " -	204 41
1853, Jan. 3,	" Sutter " -	327 19
" 3,	" El Dorado " -	585 42
" 4,	" San Luis Obispo " -	227 50
" 6,	" Butte " -	233 68
" 14,	" Santa Barbara " -	861 71
" 17,	" Sonoma " -	1,154 00
" 18,	" Marin " -	779 36
" 20,	" Yolo " -	845 68
" 29,	" San Diego " -	100 28
Feb. 4,	" Mariposa " -	327 77
" 4,	" Napa " -	455 00
" 14,	" Los Angeles, " -	2,067 33
" 14,	" Calaveras " -	111 15
" 16,	" Siskiyou " -	198 26

## INTEREST FUND OF 1852—RECEIPTS CONTINUED.

1852, March 4,	Treasurer of Solano County,	-	-	1,341	55
" 5,	" Napa	"	-	253	33
" 11,	" Yuba	"	-	1,724	57
" 15,	" Tuolumne	"	-	612	53
" 22,	" San Joaquin	"	-	247	12
" 29,	" Sacramento	"	-	771	26
" 31,	" Trinity	"	-	57	06
April 22,	" Solano	"	-	925	03
May 10,	" San Francisco	"	-	6,063	22
" 20,	" Placer	"	-	467	02
June 1,	" Napa	"	-	183	97
" 9,	" Marin	"	-	68	41
" 10,	" Contra Costa	"	-	173	64
" 20,	" Sonoma	"	-	257	03
" 20,	" Nevada	"	-	312	90
" 21,	" Shasta	"	-	32	97
" 21,	" San Joaquin	"	-	111	67
" 22,	" Yuba	"	-	40	26
" 23,	" Tuolumne	"	-	322	86
" 23,	" Butte	"	-	332	60
" 29,	" Siskiyou	"	-	253	86
	Balance Due,	-	-	11,198	47
					<hr/>
					\$56,904 91

## INTEREST FUND OF 1852—PAYMENTS.

1852, Oct. 15,	Paid Palmer, Cooke & Co. for interest due	
	January 1, 1853, in New York,	\$21,905 30
Dec. 18,	Transferred to Interest Fund of 1851,	465 47
1853, April 25,	Paid Palmer, Cook & Co. for interest due	
	July 1, 1853, in New York,	34,534 14
		<hr/>
		\$56,904 91

## STATE PRISON INTEREST FUND—RECEIPTS. •

1853, May 20,	Received from Treasurer of Placer county,	\$93 40
June 20,	" " Nevada "	62 58
June 29,	" " Siskiyou "	47 05
		<hr/>
		\$203 03

No payments.

# SCHOOL FUND RECEIPTS.

	FROM WHOM RECEIVED.	3 PER CENT BONDS.	INTEREST.	CASH.
1852, June 20,	Amount in Fund,			\$499 83
July 2,	Treasurer of Yuba County,			253 64
" 22,	Placer "			58 05
Oct. 9,	Santa Clara "			130 17
" 16,	Celusi "			47 04
" 20,	Contra Costa County,			413 34
Nov. 18,	Placer "			122 58
Dec. 9,	Sacramento "			1,993 00
" 15,	San Joaquin "			1,045 75
" 15,	San Francisco "			2,879 60
" 21,	Contra Costa "	\$1,025 00	975 57	964 73
" 22,	Monterey "			781 80
" 22,	Shasta "			22 70
" 24,	Placer "			121 82
" 28,	Klamath "			86
" 29,	Nevada "			102 21
1853, Jan. 3,	Sutter "			163 59
" 3,	El Dorado "			292 71
" 4,	San Luis Obispo "			113 75
" 6,	Butte "			116 84
" 14,	Santa Barbara "			430 89
" 17,	Sonoma "			577 00
" 18,	Marin "			889 68
" 20,	Yolo "			422 84





## SCHOOL FUND—PAYMENTS.

1852, Dec. 18. Transferred to General Fund.		\$405 72
.. Interest Fund of 1851,		232 74
Balance due Temporary State Loan—		
Bonds, principal,	\$1,950 00	
Interest.	1,870 45	
cash,	17,812 68	
	<hr/>	\$21,513 13
		<hr/>
		\$22,551 59

## SACRAMENTO STATE HOSPITAL FUND RECEIPTS.

FROM WHOM RECEIVED.		8 PER CENT. BONDS.	INTEREST.	WARRANTS.	CASH.
1852, June 30,	Amount in fund,				
July 7,	Treasurer of San Francisco county,	\$3,000 00	\$1,824 14	\$3,251 00	\$49 88
" 7,	" Sacramento	2,475 00	1,910 00		1,589 41
" 10,	Commissioner of Emigrants,				2,401 60
" 12,	Treasurer of Siskiyou county,				192 37
" 22,	" Placer				71 37
Aug. 4,	Commissioner of Emigrants,				4,835 50
" 24,	Treasurer of Monterey county,				105 57
Sept. 8,	Commissioner of Emigrants,				2,599 20
" 16,	Treasurer of San Joaquin county,				392 25
" 17,	" Solano				35 08
Oct. 4,	" Yuba				55 95
" 8,	Commissioner of Emigrants,				395 58
" 9,	Treasurer of Santa Clara county,				65 62
" 18,	" Tuolumne				980 31
Nov. 8,	Commissioner of Emigrants,				1,009 85
" 18,	Treasurer of Placer county,				326 70
" 21,	" Trinity				12 73
Dec. 10,	Commissioner of Emigrants,				251 75
" 15,	Treasurer of San Joaquin county,				593 88
" 22,	" Monterey				111 04
" 22,	" Shasta				135 71
" 24,	" Placer				207 90
" 29,	" Nevada				650 45

# SACRAMENTO STATE HOSPITAL FUND RECEIPTS—(CONTINUED.)

	FROM WHOM RECEIVED.	3 PER CENT. BONDS.	INTEREST.	WARRANTS.	CASH.
1553, Jan.	3, Treasurer of El Dorado county,	.	.	.	449 16
" 6,	" Butte	.	.	.	99 17
" 6,	Commissioner of Emigrants,	.	.	.	122 55
" 14,	Treasurer of Santa Barbara county,	.	.	.	12 93
" 17,	" Sonoma	.	.	.	16 45
" 20,	" San Diego	.	.	.	68 61
Feb. 3,	Commissioner of Emigrants,	.	.	.	480 70
" 14,	Treasurer of Los Angeles county,	.	.	.	49 40
" 14,	" Calaveras	.	.	.	860 62
" 16,	" Siskiyou	.	.	.	185 55
" 23,	" San Francisco city,	.	.	.	2,556 65
March 3,	Commissioner of Emigrants,	.	.	.	983 25
" 11,	Treasurer of Yuba county,	.	.	.	110 59
" 22,	" San Joaquin county,	.	.	.	444 15
" 29,	" Sacramento	.	.	.	12 24
" 31,	" Trinity,	.	.	.	49 35
April 5,	Commissioner of Emigrants,	.	.	.	719 10
May 5,	"	.	.	.	1,343 70
" 10,	Treasurer of San Francisco county,	.	.	.	69 37
" 20,	" Placer	.	.	.	462 84
June 1,	Commissioner of Emigrants,	.	.	.	966 96
" 20,	Treasurer of Nevada county,	.	.	.	251 68
" 21,	" Shasta	.	.	.	129 15
" 21,	" San Joaquin county,	.	.	.	268 81

1862, June 22, Treasurer of Yuba county,	.					\$223 24
" 23, " Tuolumne "	.					211 02
" 24, " Siskiyou "	.					98 51
" 29, Commissioner of Emigrants,	.					1,067 00
Total,	\$41,875 00	\$5,475 00	\$3,764 91	\$3,251 00	\$29,384 61	



## SACRAMENTO STATE HOSPITAL FUND—PAYMENTS.

1852, July 8,	Cash paid,	-	-	-	-	\$1,339 34
" 10,	do	-	-	-	-	2,401 60
" 12,	Warrant on the General Fund,	-	-	-	-	8,075 14
Aug. 17,	do do do	-	-	-	-	4,415 77
" 17,	Cash paid,	-	-	-	-	5,000 24
Sept. 10,	do	-	-	-	-	2,599 20
Oct. 11,	do	-	-	-	-	1,000 00
Nov. 8,	do	-	-	-	-	1,990 16
1853, Jan. 13,	do	-	-	-	-	2,971 04
March 3,	do	-	-	-	-	5,214 19
" 28,	do	-	-	-	-	574 73
April 21,	do	-	-	-	-	780 71
May 6,	do	-	-	-	-	1,343 70
June 29,	do	-	-	-	-	4,040 61
						<hr/>
						\$41,875 52

FROM WHOM RECEIVED.			3 PER CENT. BONDS.	INTEREST.	WARRANTS.	CASH.
1852, June 30, Amount in Fund,	.	.	\$3,000 00	\$1,824 14	\$3,251 06	\$11 80
July 7, Treasurer of San Francisco county,	.	.	2,500 00	1,953 85		644 72
" 7, " Sacramento " "	.	.				2,401 60
" 10, Commissioner of Emigrants,	.	.				96 19
" 12, Treasurer of Siskiyou county,	.	.				28 42
" 22, " Placer " "	.	.				4,835 50
Aug. 4, Commissioner of Emigrants,	.	.				105 57
" 24, Treasurer of Monterey county,	.	.				2,599 20
Sept. 8, Commissioner of Emigrants,	.	.				196 18
" 16, Treasurer of San Joaquin county,	.	.				17 54
" 17, " Solano " "	.	.				27 97
Oct. 4, " Yuba " "	.	.				395 58
" 8, Commissioner of Emigrants,	.	.				490 15
" 18, Treasurer of Tuolumne county,	.	.				1,009 85
Nov. 8, Commissioner of Emigrants,	.	.				163 35
" 18, Treasurer of Placer county	.	.				6 36
" 20, " Trinity " "	.	.				251 75
Dec. 10, Commissioner of Emigrants,	.	.				296 95
" 15, Treasurer of San Joaquin county,	.	.				227 32
" 24, " Placer " "	.	.				350 22
" 29, " Nevada " "	.	.				224 59
1853, Jan. 3, " El Dorado " "	.	.				49 58
" 6, " Butte " "	.	.				122 55
" 6, Commissioner of Emigrants	.	.				6 46
" 14, Treasurer of Santa Barbara county,.	.	.				

## STOCKTON STATE HOSPITAL FUND—RECEIPTS CONTINUED.

FROM WHOM RECEIVED.		PER CENT. BONDS.	INT+REST.	WARRANTS.	CASH.
1853, Jan.	17, Treasurer of Sonoma county, " "	.			\$8 22
"	29, " " San Diego	.			34 31
Feb.	3, Commissioner of Emigrants, .	.			480 70
"	14, Treasurer of Los Angeles county, "	.			24 70
"	" " Calaveras	.			430 32
"	16, " " Siskiyou	.			92 78
"	27, " " San Francisco city,	.			2,556 66
March 3,	Commissioner of Emigrants,	.			983 25
"	11, Treasurer of Yuba county, .	.			55 29
"	22, " " San Joaquin county,	.			222 08
"	29, " " Sacramento	.			6 17
"	31, " " Trinity	.			24 67
April 5,	Commissioner of Emigrants, .	.			719 10
May 5,	" " "	.			1,343 70
"	10, Treasurer of San Francisco county,	.			34 69
"	20, " " Placer	.			231 42
June 1,	Commissioner of Emigrants, .	.			966 96
"	20, Treasurer of Nevada county,	.			125 84
"	21, " " Shasta	.			64 58
"	21, " " San Joaquin "	.			150 40
"	22, " " Yuba	.			261 63
"	23, " " Tuolumne	.			105 51
"	29, " " Siskiyou	.			49 06
"	29, Commissioner of Emigrants,	.			1,067 00
Total, \$27,057 28.					\$24,968 29

## STOCKTON STATE HOSPITAL FUND—PAYMENTS.

1853, Aug. 11,	Cash paid,		\$5,000 00
" 21,	"		2,000 00
Sept. 30,	"		2,627 00
Oct. 16,	"		1,733 22
Nov. 16,	"		1,500 00
Dec. 14,	"		421 46
1853, Jan. 14,	"		1,251 21
Feb. 17,	"		1,077 49
March 17,	"		3,595 20
April 16,	"		972 02
May 6,	"		1,343 70

## Balance due Temporary State Loan Bonds—

Principal,	\$5,500 00
Interest,	3,777 99
Warrants,	3,251 00
Cash,	3,037 09

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 15,566 08

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 \$37,087 38

## SAN FRANCISCO STATE M. HOSPITAL FUND—RECEIPTS.

1852, June 30,	Amount in fund,	\$14,634 75
July 10,	Received from Commissioner of Emigrants,	7,204 80
Aug. 4,	"	14,506 50
Sept. 8,	"	7,797 60
Oct. 8,	"	1,186 74
Nov. 8,	"	3,029 55
Dec. 10,	"	755 25
1853, Jan. 6,	"	307 65
Feb. 3,	"	1,442 10
March 3,	"	2,949 75
April 5,	"	2,157 30
May 5,	"	4,031 10
June 1,	"	2,900 88
" 29,	"	3,203 00

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 \$66,166 97



## SAN FRANCISCO STATE M. HOSPITAL FUNDS—PAYMENTS.

1852, July 7,	Cash paid,		\$14,634 75
Sept. 21,	"		10,846 39
" 27,	"		10,864 91
Oct. 23,	"		8,984 34
Nov. 10,	"		3,029 55
1853, March 5,	"		5,514 75
May 5,	"		6,188 40
June 1,	"		2,900 83
" 30,	"		3,203 00
			<hr/>
			\$66,166 00

## INSANE FUND—RECEIPTS.

1852, Oct. 4,	Treasurer of Yuba county,		\$7 50
" 9,	" Santa Clara county,		22 50
" 15,	" San Francisco	"	7 50
Nov. 20,	" Trinity	"	14 85
Dec. 15,	" San Joaquin	"	59 40
" 29,	" Nevada	"	14 85
1853, Jan. 3,	" El Dorado	"	7 43
" 20,	" Yolo	"	44 55
" 20,	" "	"	111 00
Feb. 14,	" Calaveras	"	90 00
" 16,	" Siskiyou	"	21 28
March 22,	" San Joaquin	"	89 10
" 29,	" Sacramento	"	59 40
" 31,	" Trinity	"	44 55
May 10,	" San Francisco	"	14 85
" 20,	" Placer	"	14 55
June 10,	" Contra Costa	"	72 75
" 20,	" Sonoma	"	7 28
" 20,	" Nevada	"	22 31
" 21,	" Shasta	"	14 55
" 21,	" San Joaquin	"	14 55
" 22,	" Yuba	"	7 28
" 29,	" Siskiyou	"	14 55

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\$776 96

No payments.

## STATE LIBRARY FUND—RECEIPTS.

FROM WHOM RECEIVED.	WARRANTS.	CASH.
1852, Sept. 20, Comptroller of State, . . .	\$235 00	
“ 20, Secretary of State, . . .		310 00
Dec. 31, “ “ “ . . .		2 00
1853, March 11, “ “ “ . . .		180 00
“ 14, “ “ “ . . .		65 00
“ 15, Comptroller of State . . .	265 00	
	\$500 00	\$755 00

## STATE LIBRARY FUND—PAYMENTS.

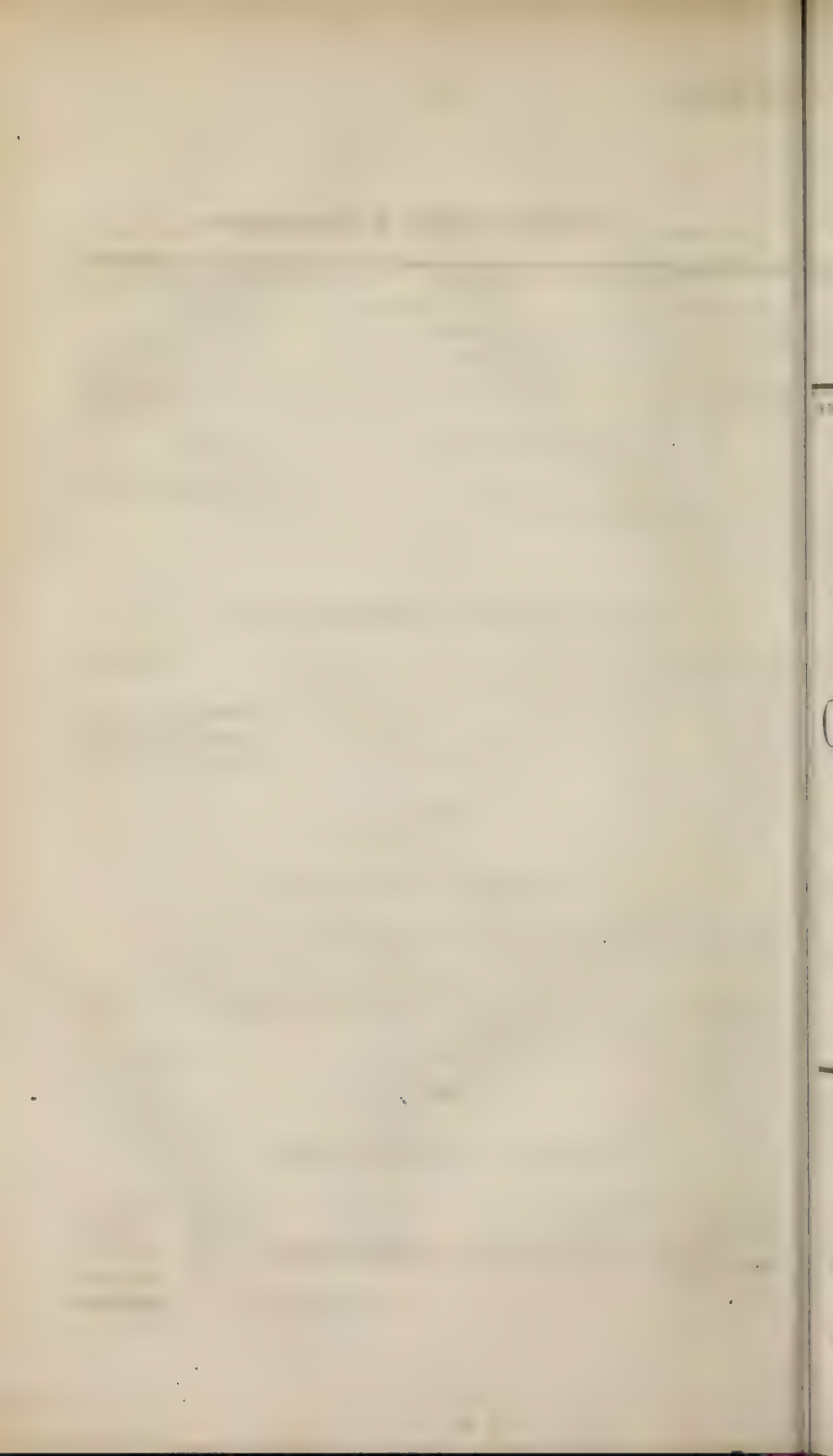
1853, March 14, Cash paid, . . .	\$755 00
“ 15, Seven per cent. Bond issued for war- rant, . . .	\$500 00
	\$500 00 \$755 00

## MILITARY FUND—RECEIPTS

FROM WHOM RECEIVED.	5 PER CENT BONDS.	INTEREST.	CASH.
1852, June 30, Amount in Fund, . . .	\$200 00	\$139 80	\$60 20
Total, \$400 00			

## MILITARY FUND—PAYMENTS.

Paid by General Fund, . . .	\$82 60
1853, Jan. 27, Cash paid, . . .	60 20
Balance due Temporary State Loan Bonds and interest . . .	257 20
	\$400 00



Document No 2.

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IN THE ASSEMBLY]

[SESSION OF 1854.

ANNUAL REPORT

OF THE

COMPTROLLER

OF THE

STATE OF CALIFORNIA.

[GEORGE KERR, STATE PRINTER.

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ANNUAL REPORT  
OF THE  
STATE COMPTROLLER.

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COMPTROLLER'S OFFICE,  
Benicia, December 15, 1853. }

*To His Excellency, John Bigler,  
Governor of California,*

SIR :

I herewith submit a Report on the fiscal condition of the State for the year ending June 30th, 1853, and arranged as follows :—

1st.—A general statement of the Revenues and Expenditures.

2d.—A tabular statement showing, separately, the whole amount of each appropriation made by law, the amount paid under the same, and the balance unexpended on the 30th of June, 1853.

3d.—A tabular statement showing the amount of revenue chargeable to each county for the preceding year, the aggregate amount of each object of taxation, together with the tax on the same and assessed thereon.

4th.—A statement exhibiting the condition of the several Funds on June 30th, 1853.

5th.—An estimate of the Revenues and Expenditures for the fiscal year ending June 30th, 1854—with abstract of property thus far returned for this year.

6th.—A detailed statement of the public debt at the close of the last fiscal year, June 30th, 1853, and also statement of the same Dec. 20th, 1853.

7th.—General Remarks “upon matters deemed expedient for the support of the public credit for promoting frugality and economy in the public expenses, and for the better management and more perfect understanding of the fiscal affairs of the State.”

## [I.]

TABLE OF RECEIPTS INTO THE STATE TREASURY DURING THE FOURTH FISCAL YEAR, ENDING JUNE 30, A.D. 1853,  
EXCLUSIVE OF AMOUNT RECEIVED FROM SALES OF SCHOOL LAND WARRANTS.

Property Tax of 1851.	Property Tax of 1852.	Property Tax of 1853.	Poll Tax of 1851.	Poll Tax of 1852.	Poll Tax of 1853.	Commutation Tax.	Foreign Miners' License.	Gaming License.	Merchants' License.	Pedlers' License.	Bankers' License.	Billiards and Trepins.	Consigned Goods.	Express License.	Auction Duties.	Forfeited Recognizances.	Commissary from Secrelary of State.	Fees from Secretary of State.	Proceeds from Sales of Water Lots.	Tax on Possessors of Claims.	Warrants from members of the Legislature.	Total.
75 49	1,698 81		2,035 07	1,189 98			260 45	1,721 25	491 62													6,631 42
386 65	8,402 66		771 00	911 09			7,755 27		46 53											90 40		10,670 95
38 56	279 38		846 45																	72 45		9,819 68
	1,756 27		8,757 67				19,879 32	895 39	736 50											7 43		27,435 52
1,777 40	6,301 97		1,135 34	1,181 16			11 88	98 80	5 70													9,354 58
	2,079 39		2,167 49				1,844 87															6,091 28
	2,543 32		740 95						14 10													3,298 38
203 70	4,899 81		486 39				6,570 83	393 22	14 10													5,821 55
	613 24	938 71																				1,822 98
	2,676 92		5,488 48				12,100 45	1,753 79	1,137 59													9,354 58
365 60	4,465 40	1,401 30	649 53				2,138 21															1,822 98
29,831 07	47,416 22		9,971 47				29,975 10															9,354 58
	300 86		157 02				141 03															213,567 40
583 50	682 51		87 12				3,345 19															599 91
22,592 77	7,294 52		1,339 72				1,231 97															1,350 00
497 58	2,585 13		316 14				36 00															16,130 23
60 00	14,271 80		120 40				922 19															2,063 89
	951 37		363 67																			2,063 89
773 18	6,316 50		1,063 30																			3,430 34
	4,436 28		1,135 58																			146 30
13,967 75	639 58	705 77	1,825 25				59 28	855 82	345 13													17,977 36
			401 52																			2,795 12
	232 43		12 94				582 00	518 18	242 99													7,522 19
1,044 38	2,806 18		8,421 75				1,803 59	6,394 82														9,356 19
	171 16		301 87					124 15	47 00													5,001 45
894 02	5,143 57		2,948 05				1,331 08	761 40	2,687 00													2,668 15
569 31	2,537 03		1,147 12																			20,470 52
																						1,203 58
																						18,116 07
																						1,576 71
																						1,166 20
8,061 11	\$128,656 81	\$3,045 73	\$1,713 19	\$33,589 36	\$8,528 60	\$65,885 70	\$59,121 01	\$59,711 67	\$69,035 34	\$88 39	\$1,843 08	\$501 25	\$66 20	\$59 00	\$2,332 68	\$4,350 00	\$7 50	\$401 29	\$820,092 95	\$777 96	\$500 00	\$454,165 85





## STATEMENT OF EXPENDITURES

FOR THE FOURTH FISCAL YEAR ENDING JUNE 30, 1853.

## EXECUTIVE DEPARTMENT.

## SALARIES.

Salary of Governor,	.	.	.	.	\$9,999 98
" Comptroller of State,	.	.	.	.	7,333 30
" Treasurer "	.	.	.	.	8,250 00
" Secretary "	.	.	.	.	8,615 99
" Attorney General,	.	.	.	.	6,416 65
" Surveyor General,	.	.	.	.	6,875 00
" Quarter Master General,	.	.	.	.	1,893 50
" Superintendent of Public Instruction,	.	.	.	.	4,125 00
" " " Buildings,	.	.	.	.	4,055 53
" State Prison Inspectors and Commissioners,	.	.	.	.	7,283 45
Total,					<u>\$64,848 40</u>

## CLERKS OF DEPARTMENTS.

Salary of Clerks to Comptroller of State,	.	.	\$7,182 43
" " Treasurer of State,	.	.	6,364 65
" " Secretary of State,	.	.	4,047 55
Total,			<u>\$17,594 63</u>

CONTINGENT EXPENSES OF DEPARTMENT, INCLUDING FURNITURE, FUEL,  
LIGHTS, BOOKS, STATIONERY, &C.

Contingents of Governor's office,	.	.	.	\$1,713 06
" Comptroller's "	.	.	.	3,701 37
" Treasurer's "	.	.	.	2,772 58
" Secretary's "	.	.	.	4,693 36
" Attorney General's office,	.	.	.	4,159 50
" Surveyor " "	.	.	.	1,000 18
" Superintendent of Public Instruction's office,	.	.	.	2,123 96
Total,				<u>\$20,164 01</u>

## JUDICIAL DEPARTMENT.

## SALARIES.

Salaries of Justices of Supreme Court, . . . . .	\$32,361 13
“ District Judges, . . . . .	64,669 00
“ “ Attorneys, . . . . .	26,934 21
Total, . . . . .	<u>\$123,964 34</u>

## CONTINGENTS.

Contingent Expenses of Supreme Court, . . . . .	\$2,732 75
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## LEGISLATIVE DEPARTMENT.

Per diem of Senators, . . . . .	\$58,305 00
“ Assemblymen, . . . . .	108,042 00
Total, . . . . .	<u>\$166,347 00</u>

## MILEAGE.

Mileage of Senators, . . . . .	\$8,595 60
“ Assemblymen, . . . . .	12,233 40
Total, . . . . .	<u>\$20,829 00</u>

## OFFICERS AND CLERKS.

Of the Senate, . . . . .	\$54,324 10
“ Assembly, . . . . .	51,769 60
Total, . . . . .	<u>\$106,093 70</u>

## CONTINGENTS.

Contingent Expenses of the Legislature, . . . . .	\$19,091 91
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## EXPENSE OF HOSPITALS.

Of State Marine Hospital, . . . . .	\$66,166 97
Of Sacramento State Hospital, . . . . .	61,875 51
Of Stockton " " . . . . .	82,263 94
Total, . . . . .	<u>\$210,306 42</u>

## EXPENDITURES, CONTINUED.

Site for State Prison, . . . . .	\$10,000 00
State Prison Building, . . . . .	18,315 00
Transportation of Prisoners, . . . . .	25,691 00
Census Agents . . . . .	66,352 00
Presidential Election Returns, . . . . .	1,294 80
Indigent sick at San Diego, . . . . .	2,000 00
Washington Monument, . . . . .	12,000 00
Map of the State, . . . . .	1,637 75
Relief of Immigrants, . . . . .	6,939 23
Witnesses before Legislature, . . . . .	3,763 90
Suits against Vessels,—Attorney's Fees, . . . . .	8,000 00
Copying Laws in office of Secretary of State, . . . . .	158 78
Governor's Contingent Fund, . . . . .	5,337 20
Total, . . . . .	<u>\$161,489 66</u>

## MISCELLANEOUS EXPENSES.

Paid H. G. Langley for copying, marginal noting laws, and for appendix and index to Journals of Session of 1852, . . . . .	\$4,201 72
" H. G. Langley for marginal noting laws, and for appendix and index to Journals of the Session of 1853, . . . . .	1,826 38
" H. G. Langley for making table of contents . . . . .	76 00
" H. G. Langley for assistance in removing Archives, . . . . .	75 00
" H. G. Langley for copying census returns, . . . . .	40 00
" Jas. Langley " " " " . . . . .	505 00
" Jas. Langley for distributing and packing Journals of Session of 1852, . . . . .	600 00



## MISCELLANEOUS EXPENSES—CONTINUED.

Paid Cook & LeCount for book binding and stationery for Treasurer of San Francisco County, . . . . .	73 50
" W. H. Ford for fees as Clerk of Court, Tuolumne County, . . . . .	135 50
" Jas. L. Trask " " " " Calaveras County, . . . . .	126 00
" Presley Dunlap " " " " Sacramento County . . . . .	80 50
" A. C. Bradford " " " " San Joaquin County . . . . .	100 00
" E. D. Wheeler " " " " Yuba County, . . . . .	86 40
" A. D. Patterson for expenses incurred in attempting to arrest H. B. Beatheriy, . . . . .	1,148 00
" R. Roman for traveling expenses incurred by removal of Seat of Government, . . . . .	150 00
" B. Seguin for repairing State Arms, . . . . .	100 00
" W. C. Kibbe for repairing State Arms, . . . . .	200 00
" W. C. Kibbe for cleaning " " . . . . .	432 50
" W. C. Kibbe for securing " " . . . . .	40 00
" W. C. Kibbe for carrying " " . . . . .	201 60
" Fishborne & Co. for lithographing War Bonds, . . . . .	900 00
" B. F. Butler for lithographing Civil Bonds, . . . . .	1,500 00
" A. C. Bradford for recording Senate Journals of 1852, . . . . .	1,650 00
" A. C. Bradford for copying same for printer, . . . . .	760 00
" Harris & Dougherty for removing Archives from Sacramento to Vallejo, . . . . .	1,100 00
" John Walton for services as Member of Committee appointed to examine books of Comptroller and Treasurer of State, . . . . .	2,000 00
" H. E. Robinson for services as Member of Committee appointed to examine books of Comptroller and Treasurer of State, . . . . .	2,000 00
" Cook & LeCount for engraving School Land Warrants, . . . . .	500 00
" A. G. Kimbell for recording Assembly Journals of 1852, . . . . .	558 00
" J. J. Hand for examining Printer's Accounts, . . . . .	25 00
" M. B. Lewis for transmitting Census Blanks, . . . . .	18 00
" J. B. Devoe for examining Printer's Accounts, . . . . .	50 00
" Bryant & Co. for distributing Laws of 1852, . . . . .	400 00
" E. Randolph for services as Attorney in case, entitled Fowler vs. Comptroller of State, . . . . .	3,000 00
" J. W. McKaney for Express charges on Census Blanks, . . . . .	12 00
" D. W. Thompson for expense of keeping Fugitive Slaves, . . . . .	450 00
" John P. Buckley for materials for fitting up the Capitol and State Offices at Vallejo, . . . . .	141 25
" A. A. Brinsmade, appropriation for relief of Stockton Town Council, . . . . .	200 00
" Stephen Cooper for Express charges on Census Blanks, . . . . .	10 00
" W. G. Marcy, expenses in going to Monterey for State Archives, . . . . .	96 00
" Clark & Crane for preparing plans and specifications for State Prison, . . . . .	300 00
" John Younts for postage on Census Blanks, . . . . .	10 00

## MISCELLANEOUS EXPENSES—CONTINUED.

Paid E. H. Tharp for costs of suits in San Francisco County,	498 50
" J. E. Wainwright " " " " " "	2,636 18
" P. Dunlap for " " Sacramento	714 00
" R. M. Anderson for expenses in going to El Dorado County by order of Comptroller of State,	100 00
" LeCount & Strong for engraving Comptroller's Warrants,	485 00
" J. C. Smith for costs of suit, entitled " State of California vs. Woodlief <i>et. al.</i> ,"	620 00
" Fern & Hodges for engraving seal for Superintendent of Public Instruction,	37 00
" W. E. P. Hartnell for translating Laws of 1852 in Spanish,	1,050 00
" J. R. Hardenburg for traveling expense in attempting to arrest Fugitive from Justice,	76 00
" J. H. Dupaix for hauling State Arms from Benicia to Vallejo,	60 00
" J. R. L. Smith for services as Astronomer,	852 00
" W. W. O. Dwyer for " " " and Draftsman,	2,340 00
" Directors of Library for purchase of books,	1,255 00
" N. Bennett for 150 copies Reports of Supreme Court Decisions,	2,400 00
" Cornwall & Clyde for preparing abstract of Foreign Inhabitants in the State,	80 00
" E. L. Stetson for preparing abstract of Foreign Inhabitants in the State,	40 00
" Charles E. Pickett for copying Census Returns,	100 00
" James Miller " " " " "	90 00
" E. L. Stetson " " " " "	60 00
" R. Clyde " " " " "	60 00
" J. S. Dungan " " " " "	88 00
" C. L. Lamb for recovering papers belonging to Comptroller's Office,	23 00
" Albert Rowe for surveying boundary of Sacramento County,	2,268 00
" George Fisher for translating in Spanish the Governor's Message and Comptroller's Report,	1,280 00
Paid E. A. Sheller for Lithographing F. M. Licenses,	600 00
" F. A. Snyder for Statutes of California,	4,000 00
" John B. Trask for Geological Survey,	2,000 00
" D. D. Colton for transporting Insane to Stockton,	640 00
" W. H. Lyons for services as member of committee to examine Books of Treasurer and Comptroller of State,	516 00
" M. M. Wambough, do do do,	672 00
" P. T. Herbert, do do do,	432 00
" G. W. Ten Broeck, services as Clerk to committee,	576 00

## MISCELLANEOUS EXPENSES—CONTINUED.

Paid J. W. Gregory, pay as Presidential Elector,				44 00
" W. S. Sherwood,	do	do,		172 00
" Andres Pico,	do	do,		436 00
" T. J. Henley,	do	do,		92 40
" S. B. Wheeler, relief appropriation,				125 00
" Taaffe & McCahill, do	do,			5,503 00
" J. D. Monnett, do	do,			1,000 00
" M. C. Dougherty, do	do,			1,062 75
" F. W. Hudson, do	do,			150 00
" Patrick McGill, do	do,			104 00
" Wm Reed, do	do,			110 00
" E. G. Baker, do	do,			850 00
" J. Bickerstaff, do	do,			192 00
" John Furber, do	do,			80 00
" J. R. Walker, do	do,			500 00
" A. A. Mass, do	do,			200 00
" A. H. Hart, do	do,			596 00
" Thos. Green, do	do,			1,100 00
" Shirley & Bailey, do	do,			818 75
" E. Poppe, do	do,			2,112 70
" Soule & Page, do	do,			534 36
" B. F. Forsythe, do	do,			180 00
" Jas. M. Cranston, do	do,			224 43
" Henry Hook, do	do,			24 50
" Sam'l C. Gray, do	do,			48 00
" Neville & Derby, do	do,			70 00
" J. J. Neff, do	do,			50 00
" Jas. Taylor, do	do,			10 00
" Steamer Senator, do	do,			100 00
" George Dingley, do	do,			500 00
" John Tierney, do	do,			50 00
" L. McMahon, do	do,			25 00
" John Taylor, do	do,			100 00
" Calvin Valprey, do	do,			160 00
" Clark and Crane, do	do,			620 00
" Chas. E. Pickett, do	do,			9,500 00
" J. W. Goforth, do	do,			180 00
" J. C. Cremony, do	do,			50 00
" William Waldo, do	do,			27,000 00

Total. \$107,221 92

# EXPENSE OF KEEPING AND GUARDING PRISONERS, CRIMINAL PROSECUTIONS, AND FOR ENFORCING LAW CONCERNING FOREIGN MINERS.

Paid John C. Hayes for San Francisco County,	-	\$6,062 00
" R. B. Buchanan for Yuba do,	-	20,000 00
" Presley Dunlap for Sacramento do,	-	14,000 00
" George Work for Tuolumne do,	-	3,200 00
" James Burney for Mariposa do,	-	2,769 00
Total,		<u>\$46,031 00</u>

## EXPENSE OF PRINTING.

Printing for Legislature,	-	\$58,411 65
" Laws and Journals of 1852,	-	29,296 17
" Laws and Journals of 1853,	-	18,906 22
" Census Returns,	-	33,633 50
" Census Blanks,	-	7,513 60
" Laws of 1851 in Spanish,	-	1,719 00
" Laws of 1852 do,	-	1,673 27
" Poll Tax Receipts,	-	5,135 00
" Foreign Miners' Licenses,	-	9,989 00
" Governor's Proclamations,	-	1,700 75
" Circulars for Governor,	-	60 00
" Notice of School Land Warrants,	-	369 00
" Blank affidavits for same,	-	35 00
" Notice of proposals for Fuel and Stationery for Legislature,	-	508 50
" Blanks for County Officers,	-	1,052 00
" " Comptroller of State,	-	290 00
" " Treasurer of State,	-	95 00
" " Secretary of State,	-	260 00
" " Attorney General,	-	339 38
" " Surveyor General,	-	12 50
" " Superintendent of Public Instruction,	-	160 00
" Notice of removal of Seat of Government,	-	24 00
" " proposals for building State Prison,	-	669 50
" Rules for Supreme Court,	-	37 50
" Revenue Law of 1852 in Spanish,	-	204 98
" Notice of proposals for State Printing,	-	98 00
" " redemption of State Bonds,	-	429 50
" " proposals for printing Laws in Spanish,	-	91 50



## EXPENSE OF PRINTING—CONTINUED.

Printing Law concerning F. M. License and redemption of Comptroller's Warrants, - - -	295 05
" Correspondence between Comptroller and Attorney General, - - -	20 00
" Governor's Message, - - -	247 85
" Report of Comptroller of State, - - -	1,644 75
" " Surveyor General, - - -	824 35
" " Superintendent of Public Instruction, - - -	242 00
" " State Prison Committee, - - -	715 05
" " Sacramento Hospital, - - -	150 28
" " Stockton do, - - -	746 41
" Sundry Reports by order of Secretary of State, - - -	7,199 36
" Copies of Census Documents, - - -	740 97
	<hr/>
	\$185,532 19
Paid for paper for Public Printing, - - -	16,962 20
	<hr/>
Total for fourth fiscal year, - - -	\$202,494 39

## RECAPITULATION OF EXPENDITURES.

Executive Department, - - -	\$102,607 04
Judicial do, - - -	126,697 09
Legislative do, - - -	312,301 61
Hospitals, - - -	210,306 42
Site for State Prison, - - -	10,000 00
State Prison Building, - - -	18,315 00
Transportation of Prisoners, - - -	25,691 00
Census Agents, - - -	66,352 00
Presidential Election Returns, - - -	1,294 80
Indigent Sick at San Diego, - - -	2,000 00
Washington Monument, - - -	12,000 00
Maps of the State, - - -	1,637 75
Relief of Immigrants, - - -	6,939 23
Witnesses before Legislature, - - -	3,763 90
Suits against Vessels. Attorneys' fees - - -	8,000 00
Copying Laws in Office of Secretary of State, - - -	158 78
Governor's Contingent Fund, - - -	5,337 20
Miscellaneous Expenses, - - -	107,221 92
Keeping and Guarding Prisoners, &c., - - -	46,031 00
Printing, - - -	185,532 19
Paper for State Printing, - - -	16,962 20
	<hr/>
Grand Total, - - -	\$1,269,149 13

## EXHIBIT OF RECEIPTS AND EXPENDITURES

*For the Four preceding Fiscal Years.*

## CIVIL DEBT.

	RECEIPTS.	EXPENDITURES.
First Fiscal Year, - - - -	\$3,156 27	\$348,165 26
Second Fiscal Year, - - - -	230,796 45	585,702 83
Third Fiscal Year, - - - -	366,825 07	925,694 56
Fourth Fiscal Year, - - - -	454,185 85	1,269,149 13
	<hr/>	<hr/>
	\$1,154,963 64	\$3,128,711 78
Total Expenditures to June 30th, 1853, - - - -		\$3,128,711 78
Total Receipts to June 30th, 1853, - - - -		<hr/> 1,154,963 64
Excess of Expenditures over Receipts from Taxation during Four Fiscal Years, ending June 30, 1853,		\$ 1,973,748 14

## II.

**TABULAR STATEMENT** of the amount of each appropriation of money made by law, the amount paid under the same, and the balance remaining unexpended at the close of the Fourth Fiscal Year.

ACTS.	DATE OF AP- PROVAL.	AMOUNT OF		BALANCE UNEX- PENDED.
		APPROPRIA- TION.	WARRANTS DRAWN.	
An Act appropriating moneys to meet the contingent expenses of Government,	Jan 27 1853	600,000 00	600,000 00	
An Act providing for the erection of State Prison,	May 7 1853	153,315 00	18,315 00	135,000 00
An Act providing for the codification of the Laws of California,		4,000 00	4,000 00	
An Act to provide for Map of State of California, balance unexpended,		1,637 75	1,637 75	
An Act to provide for removal of Archives from Sacramento to Vallejo, balance unexpended,	April 30 1852	1,200 00	1,100 00	100 00
An Act making appropriation for site of State Prison,		10,000 00	10,000 00	
An Act for Indigent Sick at San Diego,		2,000 00	2,000 00	
An Act for collection of certain Tax from Vessels, &c.,	May 8 1852	10,000 00	8,000 00	2,000 00
An Act creating San Francisco State Marine Hospital,	May 19 1853	100,000 00	66,166 95	33,833 03
An Act creating Insane Asylum,		50,000 00	34,251 33	15,748 67
An Act providing for the payment of the contingent expenses of the Executive and Judiciary Department,		4,800 00	4,800 00	
An Act for the payment of Soule & Page,	April 5 1853	534 36	534 36	
" " A. A. Moss,	"	200 00	200 00	
" " F. W. Hudson,	"	150 00	150 00	
" " Wm. Read,	"	110 00	110 00	
" " T. J. Goforth,	"	180 00	180 00	
" " James Brawley,	"	330 00	330 00	
" " P. Magill,	April 2 1853	104 00	104 00	
" " J. Blackman,	"	192 00	192 00	
" " B. F. Forsyth,	"	180 00	180 00	
" " J. Tierney,	"	50 00	50 00	
" " J. Farber,	"	80 00	80 00	
" " M. C. Dougherty,	"	1,062 75	1,062 75	

ACTS.	DATE OF AP- PROVAL.	AMOUNT OF AMOUNT OF APPROPRIATION. WARRANTS		BALANCE UNEX- PENDED.
		TION.	DRAWN.	
An Act for the payment of H. Hook,	April 2 1853	21 50	24 50	
" " J. M. Crauston,	April 6 1853	224 43	224 43	
" " E. S. Baker,	" "	850 30	850 30	
" " Shirley & Baily,	April 19 1853	818 75	818 75	
" " Thos. Green,	" "	1,100 00	1,100 00	
" " Ernest Poppe,	" "	2,112 70	2,112 00	
" " George Dingley,	April 30 1853	500 00	500 00	
" " L. McMahon,	" "	25 00	25 00	
" " J. Taylor,	" "	100 00	100 00	
" " Calvin Valprey,	May 7 1853	160 00	160 00	
" " S. C. Gray,	May 11 1853	48 00	48 00	
" " Nevill & Derby,	" "	70 00	70 00	
" " J. J. Neff,	" "	50 00	50 00	
" " J. S. Taylor,	" "	30 00	30 00	
" " Steamer Senator,	" "	100 00	100 00	
" " Maj. Jas. Birney,	May 13 1853	8,618 00	8,618 00	
An Act for Relief of steamer S B Wheeler,	Feb 25 1853	125 00	125 00	
" " Taffee, McCabill & Co.	Mar 12 1853	5,503 00	5,503 00	
" " J. D. Mounett, M. D.	Mar 25 1853	1,000 00	1,000 00	
" " Capt. Joseph Walker,	April 1 1853	500 00	500 00	
" " Thos. A. Hilton,	April 2 1853	590 50		
" " Orrin Bailey,	May 7 1853	120 00		
" " Wm. Corbet,	" "	120 00		
" " Arsina Miramontez,	" "	43 50		
" " Francisco Sanchez,	" "	39 00		
" " John Cole,	" "	24 00		
" " Charles Ridout,	" "	6 50		
" " F. W. Sibert,	" "	5 50		
" " Wm. Lampman,	" "	6 50		
" " Jno. S. Lee,	" "	16 50		
" " Thos. Hayes,	" "	73 50		
" " Henry Vandewater,	" "	60 00		
" " Roman DeZaldo,	" "	20 00		
" " Thos. Fitzgerald,	" "	40 00		
" " Ruben Clark and }	" "	620 00	620 00	
" " Wm. Craine,	" "			
" " Wm. Waldo,	May 13 1853	27,000 00	27,000 00	
" " Charles E. Pickett,	May 17 1853	9,500 00	9,500 00	
" " Jno. Brown,	" "	1,100 00	1,150 00	
" " C. H. Veeder,	May 18 1853	100 00		
" " Jno. C. Cremony,	" "	50 00	50 00	
" " Stockton Town Council, balance,	June 30 1852	280 40	200 00	80 40
An Act for Relief of Over Land Immi- grants, balance unexpended,	" "	6,939 23	6,939 23	
An Act to compensate Dr. J. B. Trask for Report,	May 7 1853	2,000 00	2,000 00	



# TABULAR STATEMENT,

Showing the amount of Revenue chargeable to each County, for the preceding year, 1852, the aggregate amount of each object of taxation, together with the tax due on same.

COUNTIES.	No. of acres of Real Estate, other than Town Lots.	Value of Real Estate.	Value of Improvements thereon.	Value of City and Town lots.	Value of Improvements thereon.	Value of Land except Improvements on Real Estate.	Total value of Property.	State Tax thereon at \$100 worth.	County Tax thereon.	Real Tax for State purposes.	Real Tax for County purposes.	Debt for previous years.	Total Tax.
1 Butte.....	330,316	8,241,582	80,425	887,731	8,133,030	8,133,030	16,266,060	1,626,606	1,992,711	3,619,317	68,430	17,988,738	8,610,841
2 Colusa.....	245,543	577,822	41,212	3,600	581,434	581,434	1,162,868	116,286	1,003,161	1,003,161	4,473	1,007,634	1,012,107
3 Colusa.....	1,357	4,700	1,073	3,600	5,373	5,373	10,746	1,074	3,621	3,118,500	1,719	3,121,219	3,124,337
4 Contra Costa.....	407,400	1,885,113	114,250	105,004	717,225	1,990,339	3,875,464	387,546	4,263,010	1,717,230	7,788	3,041,141	31,800,608
5 El Dorado.....	1,381	21,288	150,007	31,205	1,531,295	1,531,295	3,062,590	306,259	9,419,001	6,382,011	4,110	3,023,121	28,908,002
6 Los Angeles.....	1,543,880	45,114,490	579,147	31,205	2,517,141	1,517,938	2,517,938	251,793	11,250,941	1,360,416	1,000	12,612,357	2,907,100
7 Alameda.....	763,091	470,361	8,264	90,110	560,535	560,535	1,121,070	112,107	7,734,091	4,013,300	3,723	11,747,394	1,608,170
8 Monterey.....	310,804	4,895,610	91,005	13,929	4,909,539	4,909,539	9,819,078	981,907	9,819,078	8,811,616	1,007	10,820,685	18,189,112
9 Mariposa.....	310,804	4,895,610	91,005	13,929	4,909,539	4,909,539	9,819,078	981,907	9,819,078	8,811,616	1,007	10,820,685	18,189,112
10 Merced.....	273,565	7,220,969	133,933	17,450	7,354,902	7,354,902	14,709,804	1,470,980	14,709,804	13,238,175	1,471	16,180,379	18,651,400
11 Napa.....	109,771	2,033,160	273,275	601,577	417,060	1,212,787	2,630,847	263,084	1,367,761	1,102,002	1,699	1,369,690	13,536,711
12 Nevada.....	482,862	1,041,434	70,609	26,609	73,218	73,218	1,462,652	146,265	1,316,387	1,316,387	1,699	1,318,086	13,536,711
13 San Joaquin.....	292,331	1,326,941	506,271	118,348	1,845,560	1,845,560	3,691,120	369,112	1,476,261	1,476,261	1,699	1,477,960	13,536,711
14 Santa Clara.....	597,465	2,000,915	4,450	1,450	2,006,815	2,006,815	4,013,630	401,363	1,367,761	1,367,761	1,699	1,369,460	13,536,711
15 San Luis Obispo.....	98,728	1,041,434	70,609	26,609	73,218	73,218	1,462,652	146,265	1,316,387	1,316,387	1,699	1,318,086	13,536,711
16 San Francisco.....	520,351	1,041,434	70,609	26,609	73,218	73,218	1,462,652	146,265	1,316,387	1,316,387	1,699	1,318,086	13,536,711
17 Sacramento.....	520,351	1,041,434	70,609	26,609	73,218	73,218	1,462,652	146,265	1,316,387	1,316,387	1,699	1,318,086	13,536,711
18 Sonoma.....	520,351	1,041,434	70,609	26,609	73,218	73,218	1,462,652	146,265	1,316,387	1,316,387	1,699	1,318,086	13,536,711
19 Santa Cruz.....	36,007	47,397	68,095	47,397	105,492	105,492	210,984	21,098	306,149	105,492	50	306,199	3,010,111
20 Shasta.....	117,717	30,200	1,210	11,710	41,910	41,910	83,820	8,382	1,431,910	1,431,910	1,699	1,433,609	14,014,971
21 Solano.....	186,669	68,181	51,300	52,211	103,511	103,511	207,022	20,702	3,227,319	3,227,319	1,699	3,229,018	32,339,890
22 Sutter.....	840,573	230,930	13,450	16,213	250,143	250,143	500,286	50,028	1,431,910	1,431,910	1,699	1,433,609	14,014,971
23 Tehama.....	33,212	105,532	417,000	1,041,434	1,458,436	1,458,436	2,916,872	291,687	1,169,661	1,169,661	1,699	1,171,360	11,713,601
24 Trinity.....	6,641	105,532	417,000	1,041,434	1,458,436	1,458,436	2,916,872	291,687	1,169,661	1,169,661	1,699	1,171,360	11,713,601
25 Yuba.....	98,849	312,533	51,400	38,730	208,973	208,973	417,946	41,794	6,660,821	6,660,821	1,699	6,662,520	66,625,201
26 Yuba.....	98,849	312,533	51,400	38,730	208,973	208,973	417,946	41,794	6,660,821	6,660,821	1,699	6,662,520	66,625,201
27 Placer.....	6,641	105,532	417,000	1,041,434	1,458,436	1,458,436	2,916,872	291,687	1,169,661	1,169,661	1,699	1,171,360	11,713,601
28 Yuba.....	98,849	312,533	51,400	38,730	208,973	208,973	417,946	41,794	6,660,821	6,660,821	1,699	6,662,520	66,625,201
29 Yuba.....	98,849	312,533	51,400	38,730	208,973	208,973	417,946	41,794	6,660,821	6,660,821	1,699	6,662,520	66,625,201
30 Yuba.....	98,849	312,533	51,400	38,730	208,973	208,973	417,946	41,794	6,660,821	6,660,821	1,699	6,662,520	66,625,201
31 Yuba.....	98,849	312,533	51,400	38,730	208,973	208,973	417,946	41,794	6,660,821	6,660,821	1,699	6,662,520	66,625,201
32 Yuba.....	98,849	312,533	51,400	38,730	208,973	208,973	417,946	41,794	6,660,821	6,660,821	1,699	6,662,520	66,625,201
33 Yuba.....	98,849	312,533	51,400	38,730	208,973	208,973	417,946	41,794	6,660,821	6,660,821	1,699	6,662,520	66,625,201
34 Yuba.....	98,849	312,533	51,400	38,730	208,973	208,973	417,946	41,794	6,660,821	6,660,821	1,699	6,662,520	66,625,201
35 Yuba.....	98,849	312,533	51,400	38,730	208,973	208,973	417,946	41,794	6,660,821	6,660,821	1,699	6,662,520	66,625,201
36 Yuba.....	98,849	312,533	51,400	38,730	208,973	208,973	417,946	41,794	6,660,821	6,660,821	1,699	6,662,520	66,625,201
37 Yuba.....	98,849	312,533	51,400	38,730	208,973	208,973	417,946	41,794	6,660,821	6,660,821	1,699	6,662,520	66,625,201
38 Yuba.....	98,849	312,533	51,400	38,730	208,973	208,973	417,946	41,794	6,660,821	6,660,821	1,699	6,662,520	66,625,201
39 Yuba.....	98,849	312,533	51,400	38,730	208,973	208,973	417,946	41,794	6,660,821	6,660,821	1,699	6,662,520	66,625,201
40 Yuba.....	98,849	312,533	51,400	38,730	208,973	208,973	417,946	41,794	6,660,821	6,660,821	1,699	6,662,520	66,625,201
41 Yuba.....	98,849	312,533	51,400	38,730	208,973	208,973	417,946	41,794	6,660,821	6,660,821	1,699	6,662,520	66,625,201
42 Yuba.....	98,849	312,533	51,400	38,730	208,973	208,973	417,946	41,794	6,660,821	6,660,821	1,699	6,662,520	66,625,201
43 Yuba.....	98,849	312,533	51,400	38,730	208,973	208,973	417,946	41,794	6,660,821	6,660,821	1,699	6,662,520	66,625,201
44 Yuba.....	98,849	312,533	51,400	38,730	208,973	208,973	417,946	41,794	6,660,821	6,660,821	1,699	6,662,520	66,625,201
45 Yuba.....	98,849	312,533	51,400	38,730	208,973	208,973	417,946	41,794	6,660,821	6,660,821	1,699	6,662,520	66,625,201
46 Yuba.....	98,849	312,533	51,400	38,730	208,973	208,973	417,946	41,794	6,660,821	6,660,821	1,699	6,662,520	66,625,201
47 Yuba.....	98,849	312,533	51,400	38,730	208,973	208,973	417,946	41,794	6,660,821	6,660,821	1,699	6,662,520	66,625,201
48 Yuba.....	98,849	312,533	51,400	38,730	208,973	208,973	417,946	41,794	6,660,821	6,660,821	1,699	6,662,520	66,625,201
49 Yuba.....	98,849	312,533	51,400	38,730	208,973	208,973	417,946	41,794	6,660,821	6,660,821	1,699	6,662,520	66,625,201
50 Yuba.....	98,849	312,533	51,400	38,730	208,973	208,973	417,946	41,794	6,660,821	6,660,821	1,699	6,662,520	66,625,201
51 Yuba.....	98,849	312,533	51,400	38,730	208,973	208,973	417,946	41,794	6,660,821	6,660,821	1,699	6,662,520	66,625,201
52 Yuba.....	98,849	312,533	51,400	38,730	208,973	208,973	417,946	41,794	6,660,821	6,660,821	1,699	6,662,520	66,625,201
53 Yuba.....	98,849	312,533	51,400	38,730	208,973	208,973	417,946	41,794	6,660,821	6,660,821	1,699	6,662,520	66,625,201
54 Yuba.....	98,849	312,533	51,400	38,730	208,973	208,973	417,946	41,794	6,660,821	6,660,821	1,699	6,662,520	66,625,201
55 Yuba.....	98,849	312,533	51,400	38,730	208,973	208,973	417,946	41,794	6,660,821	6,660,821	1,699	6,662,520	66,625,201
56 Yuba.....	98,849	312,533	51,400	38,730	208,973	208,973	417,946	41,794	6,660,821	6,660,821	1,699	6,662,520	66,625,201
57 Yuba.....	98,849	312,533	51,400	38,730	208,973	208,973	417,946	41,794	6,660,821	6,660,821	1,699	6,662,520	66,625,201
58 Yuba.....	98,849	312,533	51,400	38,730	208,973	208,973	417,946	41,794	6,660,821	6,660,821	1,699	6,662,520	66,625,201
59 Yuba.....	98,849	312,533	51,400	38,730	208,973	208,973	417,946	41,794	6,660,821	6,660,821	1,699	6,662,520	66,625,201
60 Yuba.....	98,849	312,533	51,400	38,730	208,973	208,973	417,946	41,794	6,660,821	6,660,821	1,699	6,662,520	66,625,201
61 Yuba.....	98,849	312,533	51,400	38,730	208,973	208,973	417,946	41,794	6,660,821	6,660,821	1,699	6,662,520	66,625,201
62 Yuba.....	98,849	312,533	51,400	38,730	208,973	208,973	417,946	41,794	6,660,821	6,660,821	1,699	6,662,520	66,625,201
63 Yuba.....	98,849	312,533	51,400	38,730	208,973	208,973	417,946	41,794	6,660,821	6,660,821	1,699	6,662,520	66,625,201
64 Yuba.....	98,849	312,533	51,400	38,730	208,973	208,973	417,946	41,794	6,660,821	6,660,821	1,699	6,662,520	66,625,201
65 Yuba.....	98,849	312,533	51,400	38,730	208,973	208,973	417,946	41,794	6,660,821	6,660,821	1,699	6,662,520	66,625,201
66 Yuba.....	98,849	312,533	51,400	38,730	208,973	208,973	417,946	41,794	6,660,821	6,660,821	1,699	6,662,520	66,625,201
67 Yuba.....	98,849	312,533	51,400	38,730	208,973	208,973	417,946	41,794	6,660,821	6,660,821	1,699	6,662,520	66,625,201
68 Yuba.....	98,849	312,533	51,400	38,730	208,973	208,973	417,946	41,794	6,660,821	6,660,821	1,699	6,662,520	66,625,201
69 Yuba.....	98,8												

## IV.

STATEMENT OF THE CONDITION OF THE SEVERAL FUNDS,  
JUNE 30, 1853.

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*The General Fund.*

Balance in Fund, June 30th, 1852,	-	\$16,053 81
Receipts during Fiscal Year,	- - -	171,119 62
		<hr/>
Amount expended,	- - -	\$187,173 43
		166,005 94
		<hr/>
Balance in Fund,	- - -	\$21,167 49

---

*The Interest Tax Fund of 1851.*

Balance in Fund, June 30th, 1852,	-	\$9,833 86
Receipts during Fiscal Year,	- - -	72,200 75
		<hr/>
Amount expended,	- - -	\$82,034 61
		58,499 56
		<hr/>
Balance in Fund,	- - -	\$23,535 05

---

*The Interest Fund of 1852.*

Balance in Fund, June 30th, 1852,	- - -	\$1,000 62
Receipts during Fiscal Year,	- - -	44,705 83
		<hr/>
Amount expended,	- - -	\$45,706 45
		56,904 91
		<hr/>
Amount overdrawn,	-	\$11,198 46

*The School Fund.*

Balance in Fund, June 30th, 1852,	-	-	-	\$499 82
Receipts during Fiscal Year,	-	-	-	21,213 31
				<hr/>
In Fund,	-	-	-	\$21,713 13

---

*Sacramento Hospital Fund.*

Balance in Fund, June 30th, 1852,	-	-	-	\$8,075 13
Receipts during Fiscal Year,	-	-	-	33,810 38
				<hr/>
				\$41,885 51
Amount expended,	-	-	-	41,885 51

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*Stockton Hospital Fund.*

Balance in Fund, June 30th, 1852,	-	-	-	\$8,075 13
Receipts during Fiscal Year,	-	-	-	29,012 25
				<hr/>
				37,087 38
Amount expended,	-	-	-	21,521 30
				<hr/>
Balance in Fund,	-	-	-	\$15,566 08

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*San Francisco Marine Hospital Fund.*

Balance in Fund, June 30th, 1852,	-	-	-	\$14,634 75
Receipts during Fiscal Year,	-	-	-	51,532 22
				<hr/>
				66,166 97
Amount expended,	-	-	-	\$66,166 97

---

*The Insane Fund.*

Amount received in Fund,	-	-	-	\$776 96
Total unexpended.				

*State Prison Interest Fund.*

Amount received in Fund,	-	-	-	\$203 03
Total unexpended.				

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*State Library Fund.*

Receipts in Fund during Fiscal Year,	-			\$1,255 00
Amount expended,	-	-	-	1,255 00

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*Military Fund.*

Balance in Fund, June 30, 1853,	-	-		\$339 50
Amount expended,	-	-	-	60 20
Balance in Fund,	-	-	-	\$279 30



## V.

An estimate of Receipts Expenditures for the Fifth Fiscal Year ending June 30th, 1854, with abstract of property thus far received for the present year.

## RECEIPTS.

Proceeds of State Taxes upon Real and Personal Property, on a Duplicate of \$100,000,000 of assessments, at 60 cents on the \$100 of valuation, (rate fixed by law) amounts to \$600,000; deduct for delinquencies and cost of collection, say \$160,000, leaves an estimated balance, which it is believed will be fully realized, of					\$440,000
Tax on Foreign Miners,	-	-	-	-	125,000
Poll Tax,	-	-	-	-	60,000
Consigned Goods, (on sales of)	-	-	-	-	50,000
Licenses, Auction Duties,	-	-	-	-	75,000
Passengers Tax,	-	-	-	-	26,000
Fees in Secretary of State's Office for Library Fund,	-	-	-	-	2,000
Possessory Claims,	-	-	-	-	2,000
Total,	-	-	-	-	\$780,000

The above is an estimate of Receipts exclusive of amounts to be realized from sales of State property.

## ESTIMATED EXPENDITURES FIFTH FISCAL YEAR.

## EXECUTIVE DEPARTMENT.

Salary of Governor,	-	-	-	-	\$10,000 00
" Comptroller,	-	-	-	-	4,500 00
" Treasurer,	-	-	-	-	4,500 00
" Secretary of State,	-	-	-	-	3,500 00
" Attorney General,	-	-	-	-	2,000 00
" Surveyor General,	-	-	-	-	2,000 00
" Superintendent Public Instruction,	-	-	-	-	4,500 00
" Quartermaster General,	-	-	-	-	2,000 00
" Clerks in State Offices,	-	-	-	-	19,444 00
" Private Secretary to Governor,	-	-	-	-	1,800 00
Contingent Expenses of Public Offices,	-	-	-	-	20,000 00
Printing for Public Offices,	-	-	-	-	5,000 00
Total,	-	-	-	-	\$79,244 00

## JUDICIAL DEPARTMENT.

Salary of 3 Justices Supreme Court,	-	-	\$28,000 00
" 11 District Judges,	-	-	59,000 00
" District Attorney, San Francisco,	-	-	5,000 00
Contingent Expenses of Supreme Court,	-	-	2,500 00
Total,	-	-	<u>\$94,500 00</u>

## LEGISLATIVE DEPARTMENT.

Per diem of 33 Senators, session of three months,	-	\$35,640 00
Mileage " " " " "	-	9,000 00
Per diem of 80 Assemblymen, session of three months,	-	86,000 00
Mileage " " " " "	-	23,000 00
Per diem of Officers and Clerks of the Senate,	-	50,000 00
" " " " Assembly,	-	55,000 00
Contingent Expenses of both Houses,	-	20,000 00
Total,	-	<u>\$278,840 00</u>

## MISCELLANEOUS EXPENDITURES.

State Printing, Laws and Journals of 1853,	-	\$29,000 00
" " Stationery for same,	-	5,000 00
Copying, Indexing and Marginal Noting Laws and Journals,	-	5,500 00
Recording and Copying Journals and Laws of Senate and Assembly,	-	3,000 00
Distributing Laws and Journals,	-	1,000 00
Translating Laws and Governor's Message into Spanish,	-	2,500 00
San Francisco Marine Hospital,	-	100,000 00
Stockton Insane Asylum, 2-5th Passenger Tax and appropriations,	-	90,000 00
Erection of State Prison, balance unexpended,	-	135,000 00
Legislative Printing,	-	50,000 00
Transportation of Prisoners to State Prison,	-	25,000 00
Sacramento State Hospital,	-	61,866 51
Total,	-	<u>\$507,866 51</u>

## RECAPITULATION OF ESTIMATED EXPENSES.

Executive Department,	. . . . .	\$79,244 00
Judicial	" . . . . .	94,500 00
Legislative	" . . . . .	278,840 00
Miscellaneous,	. . . . .	507,866 50
		<u>\$960,450 51</u>



The Comptroller has estimated the taxable property of the State at one hundred million dollars. The returns already received warrant the belief that the grand list of assessments will not be short of that sum, when fully rendered. The total amount must, however, be far less than the actual amount of taxable property in the State. This is an increase of fifty-seven million dollars over the assessments of 1851-2, and thirty-five million dollars over the assessments of 1852-3. Under our present revenue law, sixty cents on the one hundred dollars valuation, is assessed and collected—thirty-nine cents of interest tax and twenty one cents for the general fund. It is believed that four hundred and forty thousand dollars will be collected from real and personal property, which will give two hundred and ninety-two thousand five hundred dollars to the interest funds and one hundred and forty-seven thousand five hundred dollars to the General Fund.

The estimated revenue from Foreign Miners, it is confidently believed, will be fully realized, as also that to be derived from polls.

Should the decisions of our courts result in sustaining the suits directed by the State for the collection of the tax upon the sales of Consigned Goods, the estimate of revenue from that source may be too low.

As will be seen, there has been a large falling off in the amount derived from Gaming Licenses, and the indications are, that this source of revenue will soon be nearly, if not wholly, cut off, such has been and must be, hereafter, the decrease of the mere business of gaming in our State.

The revenue derived from the passenger tax, has also fallen off very considerably, and it is thought that the estimate of the same, for the present year, is full as large as will be realized.

It is believed that, at least, seventy five thousand dollars will be received from Auction Duties and Licenses, should the decisions of our courts sustain suits now pending for their collection.

The expenditures for the Executive and Judicial Departments have been materially lessened, also the expenditures for Hospitals.

The Comptroller has not estimated the amount which will be required for the payment of interest on our seven per cent. (Civil) Bonds, as it is impossible, at the present time, to know the amount of this class of indebtedness, so much is now being redeemed in payment for State property. It is probable also, that these redemptions may continue, and that the whole will be absorbed during the coming year.



## VI.

## PUBLIC DEBT.

STATEMENT—Three Per Cent Bonds issued under Act approved February 1st 1850. The amount redeemed during each Fiscal Year, with the Interest paid thereon, and amount outstanding at the close of the Fourth Fiscal Year ending June 30th, 1853.

Bonds Issued \$250,100.	Principal amount redeemed.	Interest paid on amount re- deemed.	Total principal and interest paid in re- demption.	Principal out- standing.	Interest due thereon.	Total principal and interest outstanding June 30th, 1853.
First fiscal year, ending June 30, 1850,	\$2,950 00	\$206 27	\$3,156 27	\$287,150 00		
Second fiscal year, ending June 30, 1851,	122,150 00	34,419 18	156,569 18	165,000 00		
Third fiscal year ending June 30, 1852,	47,675 00	27,869 16	75,044 16	117,325 00		
Fourth fiscal year ending June 30, 1853,	79,125 00	74,040 92	153,165 92	\$38,200 00	\$44,694 00	\$82,894 00
Total,	\$251,900 00	\$136,035 53	\$387,935 53			

*Seven per cent. Civil Bonds, issued under Act of April 23th, 1851.*

Amount issued up to June 30th, 1852,	\$417,000 00
Redeemed to that date,	19,500 00
Principal outstanding, June 30th, 1852,	\$397,500 00
Amount issued from June 30th, 1852, to June 30th, 1853,	41,500 00
	439,000 00
Redeemed during Fourth Fiscal Year,	34,500 00
Principal outstanding, June 30th, 1853,	\$104,500 00
Interest due to that date,	4,433 72
Total outstanding,	\$408,933 72

*Seven per cent. Civil Bonds, issued under Act of May 1st, 1852.*

Amount issued to June 30th, 1852,	\$156,500 00
" issued from June 30th, 1852, to June 30th, 1853,	1,052,500 00
Principal outstanding,	1,209,000 00
Interest due thereon,	11,198 47
Total outstanding, June 30th, 1853,	\$1,220,198 47

## STATEMENT

*Showing the amount of Comptroller's Warrants outstanding at the close of the Third Fiscal Year; the issue and redemption during the Fourth Fiscal Year, and the amount outstanding at the close of the year, ending June 30th, A. D., 1853.*

Balance outstanding at the close of the Third Fiscal Year, ending June 30th, 1852,	\$500,449 46
Amount issued during Fourth Fiscal Year,	1,269,149 13
	\$1,769,598 59
Amount brought forward,	\$1,769,598 50

Amount brought forward,	\$1,769,598 59
REDEEMED AT TREASURY—	
In Cash,	\$162,251 18
For Taxes,	2,565 00
School Lands,	237,089 50
Funded under Act of 1851,	40,500 00
Funded under Act of 1852,	1,052,500 23
	<hr/>
	1,494,905 91
Total outstanding, June 30th, 1853,	<hr/>
	\$274,692 68

*An Exhibit of the entire Civil Debt of the State, at the close of the 4th Fiscal Year, ending June 0th, 1853.*

1st. Three per cent. Bonds outstanding,	\$38,900 00	
Interest thereon,	44,694 00	
	<hr/>	\$82,894 00
2d. Seven per cent. Bonds issued under Act		
1851, payable in 1855,	\$175,500 00	
Do. do. payable in 1861,	229,000 00	
Interest thereon,	4,433 72	
	<hr/>	\$408,933 72
3d. Seven per cent. Bonds issued under Act		
of 1852,	\$1,209,000 00	
Interest thereon,	11,198 47	
	<hr/>	\$1,220,198 47
4th. Comptroller's Warrants outstanding,		\$274,692 68
5th. Due School Fund for Interest on am't		
received for School Lands,	\$15,205 40	
Amount received for Taxes,	21,713 13	
	<hr/>	\$36,918 53
6th. Due for School Lands sold,		\$330,560 00
		<hr/>
		\$2 354.197 40
7th. Deduct balance cash in General Fund,	\$21,167 19	
Amount in Interest Tax Fund of 1851,	23,555 04	
" School Fund,	17,812 68	
	<hr/>	\$62,515 21
Total of Civil Debt, June 30th, 1853,		<hr/>
		\$2,291,682 19

## WAR DEBT.

*At the close of the Fourth Fiscal Year.*

Twelve per cent. Bonds issued under Act of 1851, outstanding June 30, 1852,	\$200,000 00
Interest accrued thereon, and unpaid June 30, 1853,	51,812 20
Total Principal and Interest outstanding June 30, 1853,	\$251,812 20
Seven per cent. Bonds issued under Act of 1852, to June 30, 1852,	\$144,000 00
Seven per cent. Bonds issued during the Fourth Fiscal Year, ending June 30, 1853,	427,200 00
Interest due thereon on the 1st day of January, 1854,	51,080 42
Total Principal outstanding June 30, 1853, and interest due thereon Jan. 1, 1854,	\$622,280 42
Warrants outstanding at close of Third Fiscal Year, June 30, 1852,	\$140,087 93
Warrants issued during the Fourth Fiscal year, June 30, 1853,	314,418 56
	\$454,506 49
Warrants funded during Fourth Fiscal year, as above,	427,200 00
Total amount of Warrants outstanding, June 30, 1853,	\$27,306 49
Total debt to June 30, 1853,	\$901,399 11

## STATEMENT

*Exhibiting the condition of the several appropriations, made for the purpose of liquidating War Claims on the 29th November, for which Seven per cent. Bonds have been issued: Also, the amount of Twelve per cent. Bonds issued to date.*

Amount audited to the San Diego Campaign, to Nov. 29, 1853,	\$17 532
Appropriation,	\$23,000
	17,532
To be audited,	\$5,468



Amount audited to the Siskiyou Campaign, to Nov. 29, 1853.	\$10,015
Appropriation,	\$23,000
	10,615
To be audited,	\$12,385

Amounts audited to the Gil. 1st El Dorado 2d El Dorado, Los Angeles Monterey Mariposa Clear Lake Klamath, San Diego Siskiyou, as per Warrant Register,	\$649,642 12
Debt for \$10,000 and \$10,615.	28,147 00
	\$591,495 12
	\$500,000 00
	591,495 12
	\$8,504 88

Twelve per cent Bonds issued to Wm. Foster,	\$99,000 00
“ “ “ “ Wm. Rogue,	100,000 00
“ “ “ “ James L. Boling,	1,000 00

### EXHIBIT OF THE ENTIRE DEBT OF THE STATE TO DECEMBER 20, A. D., 1853.

Three per cent. Bonds outstanding,	\$1,075 00
Interest thereon,	5,501 25
	\$9,576 25
Seven per cent. Bonds issued under Act, 1851, principal outstanding,	384,000 00
Seven per cent. Bonds issued under Act, 1852,	1,422,000 00
State Prison Bonds issued under Act, 1853, principal out- standing,	100,000 00
Comptroller's Warrants outstanding,	161,619 80
Total Civil indebtedness outstanding,	\$2,077,196 05
War Debt to date,	924,259 65
	\$3,001,455 70
Due School Fund for School Lands sold to date,	463,360 00
	\$3,464,815 70

The entire Civil, School and War Debt of the State, existing at the close of the Fiscal Year, June 30th, 1853, was \$3,193,081 30—and up to Dec. 20th is \$3,464 815 70

The debt to the School Fund (\$463,360) is, however, owned by the State, and does not constitute a real demand for which she is to provide, other than for the payment of seven per cent. interest on the amount accruing from sales of School Lands—\$9,576 25 of three per cent per month bonds remain unredeemed at this date, noth aving been presented for payment at the Treasury.

It is confidently believed that our War Debt will be assumed by the General Government (See article on "Indian War Claims" in a subsequent part of this report.)

The State Prison Bonds will be nearly absorbed for State property by the 1st of January, 1854.

The joint proceeds of the Interest Tax of 1851 and 1852. (35 cents on the one hundred dollars valuation of real and personal property,) is not only paying our interest on our seven per cent. Civil Bonds issued in 1851 and 1852, and payable in 1855, 1861, and 1870—but has redeemed (as will be seen by the subjoined table) \$96,000 to this date. Although the interest tax would afford a surplus, annually, in amount sufficient to to redeem these bonds at or before maturity; still it is not probable that it will be required for this purpose much longer, as the sales of State property, pledged to their redemption under the Act authorizing their issue, will, from present indications, redeem the whole of these outstanding liabilities at no very distant period. Up to date of December 29th, sales of State property in the City of San Francisco, the results of which accrue to the "Sinking Funds" of 1851 and 1852, amounted to four hundred and ninety four thousand one hundred and seventy five dollars, sufficient to cancel all the seven per cent. Civil Bonds due in 1855, 1861, and a portion of those due in 1870. Other sales, it is believed, will, in the course of a few months, absorb the remainder of these obligations.

The large revenues derived from taxation, and the 25 per cent. of amounts received from sales made by the City of San Francisco, on the 26th of December, giving the State about three hundred thousand dollars in addition to the sales of State property, must, it is confidently believed, defray current expenses hereafter.

## STATEMENT

*Of Seven Per Cent Bonds issued under Act of 1851, redeemed to date.*

Date.	Name of Holder.	Amount redeemed	Price	Amount Paid.
		Dolls. Ct	Ct	Dolls. Ct
June 24, 1852	J. Perry, Jr,	12,500	00 84	10,500 00
" "	B. Chapman,	500	00 90	450 00
" 25, "	H. E. Robinson,	1,000	00 85	850 00
" 28, "	C. B. Young,	1,500	00 88 $\frac{3}{4}$	1,331 35
" 29, "	J. Perry, Jr.,	500	00 84	420 00
" 29, "	Same.	1,500	00 89	1,335 00
" 29, "	Moulton & Co.,	2,000	00 90	1,800 00
July 5, "	J. Perry, Jr.,	1,000	00 89	890 00
" 20, "	Same,	2,500	00 89	2,225 00
" " "	Same,	1,000	00 99	990 00
March 1, 1853	Same,	24,000	00 99 $\frac{3}{4}$	23,970 00
" 3, "	Wm. M. Smith,	500	00 98	490 00
" 4, "	W. Walker,	4,500	00 97 $\frac{1}{2}$	4,837 50
" 7, "	Stephen C. Foster,	1,000	00 96	960 00
July 5, "	Elam Brown,	1,000	00 98	980 00
" 7, "	Charles K. Smith,	4,000	00 93 $\frac{3}{4}$	3,750 00
" 8, "	Theo. Payne & Co.,	12,500	00 94	11,750 00
" 26, "	E. M. Howison,	1,000	00 98	980 00
December 24, 1853	Tallant & Wilde,	1,500	00 97 $\frac{1}{2}$	1,462 50
" " "	H. W. Carpentier.	500	00 98	490 00
" " "	P. K. Hubbs,	500	00 99 $\frac{7}{8}$	499 38
" " "	Wm. M. Smith.	5,000	00 97 $\frac{1}{2}$	4,875 00
" " "	Jno. F. Hayes,	1,500	00 99	1,485 00
" " "	Chauncy & Moore,	5,500	00 98	5,490 00
" " "	John Perry, Jr.,	9,000	00	9,000 00
		96,000 00		91,360 78

RECEIPTS INTO THE STATE TREASURY FROM JULY 1st,  
TO DECEMBER 31st, 1853.

From Attorney General,	.	.	.	.	\$15,581 62
" Alameda County,	.	.	.	.	694 17
" Calaveras do,	.	.	.	.	28,123 96
" Contra Costa County,	.	.	.	.	7,878 19
" Colusi do,	.	.	.	.	3,662 96
" Comptroller of State,	.	.	.	.	268 00
" El Dorado County,	.	.	.	.	41,445 80
" Estate of W. W. Scott, deceased,	.	.	.	.	4,240 31
" Humboldt County,	.	.	.	.	3,645 63
" Los Angeles do,	.	.	.	.	17,051 07
" Monterey do,	.	.	.	.	9,607 00
" Nevada do,	.	.	.	.	14,630 98
" Napa do,	.	.	.	.	6,697 60
" Placer do,	.	.	.	.	13,577 05
" Pacific Mail S. S. Co.,	.	.	.	.	12,500 00
" San Francisco County and City,	.	.	.	.	166,025 84
" San Joaquin do,	.	.	.	.	16,040 46
" Sierra do,	.	.	.	.	2,756 45
" Sutter do,	.	.	.	.	2,596 33
" Santa Clara do,	.	.	.	.	15,137 07
" Sacramento do,	.	.	.	.	17,244 95
" Solano do,	.	.	.	.	5,447 45
" Santa Cruz do,	.	.	.	.	7,288 40
" Shasta do,	.	.	.	.	8,318 46
" Sonoma do,	.	.	.	.	11,415 95
" Siskiyou do,	.	.	.	.	2,228 83
" Secretary of State,	.	.	.	.	1,510 20
" Trinity County,	.	.	.	.	5,664 13
" Yuba do,	.	.	.	.	20,597 29
" Tuolumne County,	.	.	.	.	1,500 00
Total,	.	.	.	.	<hr/> \$467,475 14



## DELINQUENCIES.

The sum due the State from L. A. Besançon, and Robert Semple, surety, has not been collected. Mr. Besançon, died in the State of Louisiana some months since.

The judgment against D. J. Woodlief, has not yet been satisfied.

The suit against the absconded treasurer of Calaveras county and sureties, instituted in 1851, also remains unsatisfied.

The above suits were for defalcations occurring in 1850 and 1851, and it is not probable that the State will ever realize any thing therefrom. For particulars with regard to each of the foregoing suits and defalcations, see report of the Comptroller, dated December 1852.

The whole amount due the State by A. C. McDonall, treasurer of Sonoma county, has been paid over by his sureties, and the judgment satisfied.

On the 10th of December, 1852, the Comptroller directed a suit upon the official bond of John H. Phillips, deceased, late treasurer of El Dorado county, after full trial, it has been decided against the State. On the 5th of December, 1853, a letter stating the history and progress of said suit was received at this office from the District Attorney of that county, which is now on file. In view of the facts therin disclosed, the Comptroller directed a suspension of further proceedings in said suit, unless ordered by the Legislature. The case was before the District Court at three several terms, and having been decided against the State, it was believed unnecessary and oppressive to prosecute it any further.

I am informed by the District Attorney of Shasta county, that the whole amount due from William Bonfield, treasurer of that county, has been collected and paid to the present treasurer, for the State.

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## GENERAL REMARKS.

During the past year large accessions have been made to the general wealth of our State. And its resources, agricultural and commercial, especially agricultural, have been much more fully developed than in any former year. The product of gold has also increased over the preceding year, many millions.

Property has acquired a more stable and fixed value, not only in our cities and towns, but throughout the State. Although our assessments show an increase over any former year, still it is certain that the *grand list* of assessments is, in amount, far below the actual valuation of real and personal property, which should legitimately be embraced among the objects of taxation.

Could the titles to lands meet with a speedy adjudication and settlement,

much property now paying little into the State treasury, would be reached, and afford the basis of a large and constantly increasing revenue.

### *Collecting Officers.*

Partly from the fact that Collecting Officers have this year been better paid than heretofore, it is expected that the revenue will not only be greatly increased over any former year, but will be much more uniformly and promptly collected and paid over. In past years the remuneration to this class of officers was so small that in the mountain regions, they were unable in many cases to pay even their ordinary current expenses, while engaged in the performance of their duties—consequently no uniformity existed in collections. The change made in this particular, in the revenue law of the last session, was salutary and has been attended with beneficial results.

### *State Credit and Increase of Revenue.*

The indications of a yearly increase of revenue gives future promise of success and credit to our Finances, provided, proper, prudent and economical legislation shall hereafter diminish the heavy draughts upon the Treasury which has to this period characterised our legislation, thereby enabling the State to practice a rule equally as necessary in public as in private policy of meeting expenditures with a certain income.

The financial embarrassments and debts which have been so burthensome and humiliating to other States, carrying them in some instances to the verge of repudiation, have generally been the result of using their credit for obtaining the means to carry on systems, or perfect schemes of internal improvements, and the agents who were instrumental in their creation, claimed the credit of having contemplated the construction of some great work having permanency, and from which they anticipated such income and profits, as would not only reimburse the expenditure, but eventually lighten the burthen of taxation. Our debt, however, has accumulated for ordinary expenses and temporary purposes, with few exceptions, such as for an Insane Asylum, State Prison, &c.

As has been shown in the preceding statements, our Civil, War and School Debt amounted, in the aggregate, to \$3,193,081 31. on the 30th of June, 1853, and although a large sum to have accrued within the period of four years, still no cause of alarm exists with regard to our ability to meet it, provided it is not increased by further funding—requiring additional interest tax for its security and payment.

### *Chief causes of our indebtedness.*

Notwithstanding the errors which may have occurred, as a State we are entitled to the just and charitable inferences which must be drawn from an examination of the various causes which, in the main, have created our indebtedness.

We had no territorial existence, but organized a State government with the

advent and appearance of a hundred thousand men, bringing with them little else than that contained about their persons, and coming together like a heterogeneous mass, from almost every nation or community, with no views or prejudices, or feelings in common, resembling a mighty army of wanderers more than a body of emigrants, who usually go to a new country with their families and their property, with the intention of making a permanent location and settlement, thus adding immediately to the general wealth of a state, rather than to possess themselves of its rich resources and return to their former homes.

In the anomalous condition of the country at that time our Constitution was adopted. Immediately after its adoption the first Legislature commenced its session, charged with the duty of giving form and character to the government, and adopting and applying the same to the chaotic elements surrounding them, and for which there had never been a precedent in the history of republican governments, to guide, or control their action so as to provide for the unforeseen contingencies which subsequently impaired the efficacy and value of the revenue laws, or involved a greater expenditure than any one had reason to anticipate.

With an empty treasury, they were forced to provide for the immediate demands of the government, by an issue of bonds bearing three per cent. per month, a rate of interest less than that ruling in private transactions at the time, and although they confidently supposed that their redemption was provided for by the law authorizing their issue, and that by virtue of collections to be made, they would soon be liquidated, still the result has proved that they have remained outstanding with interest fast accumulating, and not until recently has the bulk of the whole issue been taken up by cash payments from the treasury, the State having been forced to defer cash payments to other objects, until bonds bearing such a ruinous rate of interest were cancelled. Unfortunately too, our constitution was not one which would secure an economical government, but provided for a large number of officers, and annual, instead of bi-ennial sessions of the Legislature. The prices of labor, and of every article, was, at the time, at a high standard: consequently, prices corresponding were required for every object within the range of State necessity, so that a large outlay immediately became necessary for compensation to all persons in the service of the State for contingents, &c. Without public buildings for its General Assembly, its Officers or its Courts, large appropriations were requisite for rents.

Destitute of prisons for the security of the large number of criminals that had infested the community, they were not only pursued, brought into custody, kept and prosecuted at great expense to the State, but guarded, secured and supported, while undergoing punishment for their crimes.

This expense has continued to the present time, and large claims are still pending for expenses incurred by ministerial and other officers, who, at an early day, in several instances, embarrassed themselves, having been compelled to use their own resources to bear their expenses, and those of their attendants while engaged in enforcing the laws, which expenditure they contend has not been reimbursed.

Nor was security and protection to our citizens, who had arrived within our borders, the only object of expenditure; for in the years 1850 and 1851, the intelligence was early conveyed to the State that a large number of our



countryman were on their way hither from the Atlantic States, wearied—exhausted—or borne down and in a helpless condition from the fatigues of the journey and sickness when the calls for relief could not but be responded to, not only by individual philanthropy and aid, but the State itself made liberal appropriations, both years, for these objects, by sending out to meet the needy and destitute relief parties, or repaying private individuals for their advances and aid.

Arrived within our State, thousands immediately became a charge upon our charities. From exposure and depressing journeys, either by land or in crowded ships, through climates for which they were unsuited and unprepared, with the anxiety attending the enterprise in which they had embarked, and other depressing causes, many became the victims of obstinate and protracted disease. The larger proportion being destitute of friends or relatives to aid them, and without the means to secure for themselves proper care and treatment, became a public charge. For these objects the State exercised a laudable humanity, by either making those ample provisions for their relief demanded in the creation and support of hospitals, or by appropriations to be distributed among the different counties, and also to repay the expenditures incurred by individuals who had used their own funds for that purpose.

In this connection it may not be improper to remark, that the city of Sacramento has presented to past Legislatures a claim for expenditures of this character, estimated by Mayor Hutchinson in his message, dated 10th January, 1853, to amount to \$150,000, exclusive of interest, for expenses actually incurred, and which, it is urged, should be borne by the State. A claim so equitable in its character, that if free from debt, and with the means of payment, it would in all probability be recognised and assumed by the State.

Our Indian wars have also involved the State in what now constitutes one-third of her outstanding indebtedness, the necessity of which, with other considerations pertaining thereto, will be treated under the head of "Indian War Claims," in a subsequent part of this report.

Destitute of money at the outset, by which to support the government, and thereby compelled to adopt a credit system, our bonds and warrants, from the high rate of interest and other causes, depreciated in value, and not until the past year or eighteen months, have they commanded in the market over fifty cents on the dollar as the average price. As a consequent a large loss has been sustained in payment for extraordinary services, for rents, contingents, &c.

The foregoing constituting some of the chief causes of our indebtedness having involved large annual expenditures, when justly considered it will be seen were almost unavoidable. They grew out of our peculiar condition at the time, a condition equally as fruitful for emergencies requiring an outlay of money or use of our credit, as unpropitious for realizing the necessary income from taxation.

Our Revenue laws, with the exception of the last, (see Article "Revenue Laws,") have fallen far short of attaining the objects sought in their enactment, and disappointed their framers. That passed by the first Legislature was wholly repealed by the second, and so on, each subsequent Legislature repealing the enactments of a former one, creating much confusion and embarrassment with the officers engaged in acting under them, and the public who were affected thereby. These periodical changes in our revenue sys-



tem were believed necessary, for notwithstanding that each of the bodies creating them exercised their wisdom and best judgment in attempting to improve upon a former one, our population and property were so changeable and unstable in their character, and some of our objects for revenue so new and novel, that endeavors to realize therefrom were in a great measure, futile.

During the three first years of our existence as a State, the mining portions of the country paid comparatively little into the Treasury. Although assessments were made in these localities, the collecting officers were in many instances unable, a few months after, to find the parties or property assessed, so migratory and changing was the population.

Laws thought at the time of their passage to be uniform in their application, were not unfrequently so changing and inconstant were all the subjects to which they were applied, found either inoperative or were resisted when the officers charged with collections attempted to enforce them. Thus, in many instances the total amount realized was insufficient to pay the cost of their enforcement, and the expenses of litigation incident thereto.

The devastating conflagrations that so frequently visited our cities and towns, at an early period in our history, contributed much towards abridging our revenue.

Being compelled to draw from other states or foreign countries our staples, constituting the necessities of life, a constant afflux of gold was required in payment. It being our only product, and no means having been devised to reach it by taxation, no tenure existing in the soil from which it was obtained, it was shipped from the country without contributing its share for the support of Government. Thus it would seem to be a matter of no surprise that our revenue, during former years, was inadequate to defray even ordinary or temporary expenses, nor that the credit of the state was of necessity called in requisition to its fullest extent for this purpose.

The whole amount collected and paid into the Treasury since the organization of the Government, up to the 30th of June last, was \$1,154,963 64.

The Comptroller has deemed it proper for a "better understanding of the fiscal affairs of the State," thus to enumerate and present in the foregoing summary, some of the causes of our present debt, resulting, as it has, from heavy draughts upon our credit and limited income, believing it equally required to secure just consideration, both at home and abroad, and for the purpose also of serving as a guide in future for attempts at retrenchment, or a change in the system from which our indebtedness has accumulated.

Our present necessities and indications of larger revenue contrast favorably with those heretofore existing.

It can hardly be expected that in our more advanced condition as a State, that unusual and uncommon expenditures will be required. The incoming immigration hereafter, probably will not need relief.

The expense of Hospitals will be abridged, permanent buildings having been provided for the Insane Asylum, and all other Hospitals, save that in the city of San Francisco, abolished. A Prison has been constructed for the security of criminals.

Land titles are in a fair way of settlement, so that permanent and valuable improvements will be made on our lands. Agriculture has become a leading object and business in our State, already supplying many of our

wants, and enabling us to retain the money heretofore required for this supply, thus giving value to our lands and favoring an accumulation of property for taxation. Those now arriving, come with the intention of becoming permanent citizens, bringing more generally their families and their means to be added to our general wealth. Our active and extending commerce is attracting capital to our borders. From these as well as other causes, our assessments must be immeasurably increased, and a better revenue law will probably reach all and secure the income to be derived therefrom.

Our three per cent. per month bonds are substantially redeemed, and by the first of January, \$96,000 of our seven per cent. civil bonds due in 1855, will be redeemed; while the sales of property in the City of San Francisco by the State, pledged to their redemption, is already quite sufficient to cancel the rest due that year, those due in 1861—as well as a part due in 1870.

Our floating indebtedness absorbed by funding and redemption, cash payments, it is hoped, will commence. Our credit abroad has improved so that investments are made in our securities. Under these circumstances it may be assumed that the credit of the State has now reached a point as extended as demanded by her wants or necessities, and that hereafter, having now ample means of sustenance from judicious revenue laws properly enforced, appropriations should be made to come within her income derived from taxation alone, leaving the proceeds of the sales of the property of the State, to apply to the redemption of our funded debt, for the liquidation of which they have been pledged.

At the meeting of the ensuing Legislature, our financial condition will be such (having but a small amount of floating indebtedness) as will enable that body to direct its measures for greater economy in public expenses, and for securing income to meet those which may deemed indispensable. An opportunity so propitious, it is hoped, will not be passed by without securing cash payments for all the objects of expenditure. Every one is too familiar with the scrip system, either to advocate or tolerate it longer. Unavoidable as the practice of issuing scrip has been heretofore, the foregoing, it is believed, is sufficient to show, that a necessity of this sort no longer exists.

## REVENUE LAWS.

The revenue law passed the last session has, in the main, operated well, with the exception of that portion pertaining to Licenses.

Under its provision, the tax on real and personal property has been much more promptly and uniformly collected than under any previous act of the kind. Although, a few amendments might be made which would lead to improvement in some of its details; still as it has been found, as far as relates to assessments and collections on property, so much better than any previously enacted, it seems desirable that it should remain without essential change.

## CONSIGNED GOODS.

That portion, however, relating to a tax on sales of consigned goods, should be amended with a view to securing greater efficacy. More compulsory provisions are needed to enforce it in case of resistance on the part of persons on whom the tax is levied. As it is, it lacks stringency and force in its application to those, who, by subterfuge or open resistance refuse to submit to its requirements. With a change of this character, it is thought that the State could not fail to receive from a class of persons shipping goods to this market, the share of revenue justly due.

They have, heretofore, been able to compete with, and undersell our own merchants at their own doors, the latter having been compelled to pay taxes, rents and charges, from which the shipper residing abroad has enjoyed almost entire immunity.

As the law passed at the last session levying a per centage on sales of consigned goods was resisted, Messrs. Thomas, Hoge & Wilson, and Magraw & Tilford, Attorneys, were selected on the part of the State to conduct the suits instituted to enforce its payment, and it is believed, that a tax so just, notwithstanding the defects in the law, will be secured by judicial decisions in favor of, at least, its constitutionality, if not its policy.

Should the decision of our courts be in its favor, it would be a matter of congratulation, opposed as it has been by public meetings denouncing its provisions, and other voluntary expressions, as well as written arguments and opinions against it, and resisted by a resort to the usual subterfuge, that of protracted and vexatious litigation, sustained and supported by united capital and able influences. These unworthy endeavors to wring from the State its just proportion of revenue, due from a class of property equally protected with that belonging to, held or sold in the market by our own citizens, should the decisions be now in favor of the State, will hardly be repeated.

The mere fact that that *every* person, after a revenue law has been passed by a body who are the rightful judges of its "uniformity," cannot think it perfectly uniform, or that some may hold abstract views against the princi-



ple of licensing by our laws, it is hoped, will not be sufficient to allow the treasury to be cheated out of this tax, and to permit a real want of uniformity in taxation to exist, as would be the case, provided the property, goods, &c. of our own citizens (who are fully identified with the State,) can be reached by every species of taxation levied by State, County or City, and from which they ask no immunity, and the goods of citizens abroad, when sold here, should be exempt therefrom.

Consignors have not only thrown large amounts of goods into our markets, to be sold from the vessels on which they were shipped, or from "hulks" in our bays, without contributing their share for the support of the government, but have, in some instances, procured at home the *printed bills*, advertising them for sale, to be used here after their arrival.

The policy of licensing the ordinary resident merchant or trader, engaged in selling goods or merchandize may be questioned, and it is contended with much force and propriety that, as the State levies a tax of 60 cents on the valuation of their goods and property, it should not impose an additional burden in the form of a license tax, leaving them as free as the farmer or mechanic to pursue their occupations without further charges. But it cannot be contended with justice, that the agent or consignee of foreign or non-resident owners should escape the same measure of taxation which is imposed by law upon our own merchant or trader.

The assessor can reach all that is owned or possessed by the resident owner; while the goods and merchandize of the non-resident owner can only be reached when they are sold, and come in competition in the market with the goods held and owned here, mingling with them and becoming subject to the operation and protection of the same laws which govern all.

In order that taxation should be uniform, and that it should be equally borne, it is but just and proper that 60 cents on the \$100 of sales of consigned goods, should be levied, thereby subjecting consignees or agents of non-resident owners to the same tax that is borne by our own traders or merchants, otherwise the one class would be benefitted at the expense of the other, and the State fail to protect her own citizens, discriminating in favor of foreign capital and enterprise.

## BANKERS' LICENSES.

But an insignificant sum has as yet been received from licenses to bankers, brokers, and those engaged in dealing in money and printed, or written, evidences of indebtedness. Although the law designed to reach by taxation this class was drawn with much care, and at the time thought fully adequate to attain the end desired, still experience has shown that a better and more uniform system could be devised which would obviate some of the principal objections which have rendered the enforcement of the present one, if not impossible, subject to delays and embarrassment, amounting to a failure to realize anything therefrom.

The Comptroller believes that a more simple, uniform, and less objectionable system can be devised. On this point he has endeavored to avail himself of all the benefits derived from experience in endeavors to collect under



the present system, or to enforce by law its provisions, and is of the opinion that a license law reaching this class, could be drawn, and should early be passed by the coming Legislature—a law which could not be successfully resisted, but would realise to the Treasury at least \$75,000 or \$100,000 a year, from the date of its enactment.

We have not been able to tax the great product of the country, either directly or indirectly, by taxing the lands, there being as yet no tenure or right existing in them, but left open to all, and it would seem but just that at least a moiety should be received into the Treasury from the millions of gold monthly produced and sent abroad. This object can in some degree be reached, by requiring those who deal and traffic in the article, or its fair equivalent, to procure a license for so doing, as the gold itself would then of course be indirectly subject to the per centage, levied in the form of a license to the persons engaged in these branches of business.

The suggestions and facts alluded to will be submitted by the Comptroller to an appropriate committee of the Legislature, if thought to merit an examination.

## LEGISLATIVE EXPENDITURES.

The total amount of the expenditures paid at the last session, for officers, members, clerks and contingents, reached in the aggregate the sum of \$29,619 48.

The article on Legislative retrenchment, in the last annual report of the Comptroller, is as applicable now as then, and as urgently called for.

The subjoined table will exhibit the annual expenses of this body since the organization of the Government :

### EXHIBIT

*Of the Expenses of the Legislature, since the organization of the State Government.*

#### LEGISLATURE OF 1850.

Per diem of Members and Officers, and	
Mileage,	\$170,749 60
Contingents,	15,057 34
Legislative Printing,	74,114 87
Laws and Journals of same,	30,222 85
	<hr/>
	\$320,144 16
Amount carried forward,	\$320,144 16

Amount brought forward, . . . . . \$320,144 16

#### LEGISLATURE OF 1851.

Per diem of Members and Officers, and	
Mileage, . . . . .	\$188,639 40
Contingents, . . . . .	24,285 08
Legislative Printing, . . . . .	70,700 66
Laws and Journals of same, . . . . .	43,358 08
Printing Laws in Newspapers . . . . .	48,946 01
	<hr/>
	\$375,929 23

#### LEGISLATURE OF 1852.

Per diem of Members and Officers, and	
Mileage, . . . . .	\$301,247 28
Contingents, . . . . .	5,532 97
Legislative Printing, . . . . .	43,481 26
Laws and Journals, . . . . .	28,802 45
Furniture, &c. for same, . . . . .	29,944 83
	<hr/>
	\$409,008 82

#### LEGISLATURE OF 1853.

Per diem of Members and Officers, and	
Mileage, . . . . .	\$293,269 70
Contingents, . . . . .	19,031 91
Printing Laws and Journals, . . . . .	18,906 22
Legislative Printing, . . . . .	58,411 65
	<hr/>
	\$389,619 48
Total, . . . . .	<hr/>
	\$1,494,701 69

#### HOSPITALS.

The Insane Asylum demands the attention of the Legislature at an early day. The income from the passenger tax set apart and designed for the support of that institution, has been found almost wholly inadequate, such has been the falling off in the numbers of persons arriving by ocean emigration, from foreign countries, paying the tax. No longer able to sustain themselves from the means provided, and the State officers unable to advance from any fund for their relief, a united application was made by the officers of that institution and the Treasurer and Comptroller of State, to the Commissioners of the Funded Debt of the city of San

Francisco, who with a commendable liberality, advanced the sum required to meet the immediate and pressing wants of the Hospital. This amount was advanced by them, at the low rate of 10 per cent. interest per annum, payable on payment of the demand by the Legislature. It is suggested that a Hospital tax, for the support of the insane, be levied and collected with the ordinary revenue of the State. No one in the State would be found, it is believed, to object to a tax of 5 cents on the \$100 of assessed property (real and personal) for the purpose of ameliorating the deplorable condition of a class of persons who have such claims on our charity. A State Prison tax of 4 cents on the \$100. of property is now levied and collected, and the policy of a tax, payable in cash, for the support of the Insane, is undoubtedly preferable to the practice of paying warrants to be sold at depreciated rates, for their security and support. Most of the time there are over one hundred persons in that institution, and every prompting of humanity and sympathy, require that those more fortunate should provide for their wants, by placing ample means in the hands of those who have them in charge, for the purpose of bettering their condition, if possible.

The Insane Asylum building at Stockton has been completed by the enterprising contractor, J. M. Warner, Esq., during the past year. It is hoped that donations will hereafter aid much in the support of its unfortunate inmates.

The State Marine Hospital at San Francisco has been filled with the sick during the past summer, and the whole of the passenger tax would not be sufficient for its support.

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## STATE PRISON.

Under the present system of management, this Institution has proved adequate to the wants of the State. The appropriation made last year for its erection, has resulted by a creditable and judicious expenditure thereof, in providing permanent security for criminals. Should farther appropriations be required for the increasing number of its inmates, it is believed that a small per cent tax for this purpose could be as willingly borne as heretofore.

## TRANSPORTATION OF PRISONERS.

This item of expenditure is not only constantly increasing, but the aggregate during the fiscal year, formed a heavy item in our State expenses. It is believed that it should be borne by the several counties of the State, as is the practice in most of the other States.

The counties are generally rapidly reaching a healthy financial condition. Many are already free from debt, and it is suggested that they could not only pay this compensation better than the State, but could better judge of the amount necessary and proper to be paid as a fair compensation in each case, to the Sheriff or officer performing that duty.

The Sheriff now receives one dollar each mile for the transportation of each prisoner. In some cases, with a single prisoner, it may not be too high a compensation; but when several are taken, a less sum would be fully adequate, and of this the counties could be the best informed as to the amount deemed necessary

## STATE PRINTING.

The expenditure for Printing the last year was much larger than estimated by the Comptroller in his last annual report. This, in a great degree, is attributable to the fact, that the session of the last Legislature continued much longer than was expected—and that the amount of printing ordered by that body was also larger than anticipated.

Could two-thirds of the amount of printing heretofore done, be avoided hereafter, and cash payments be made to parties performing that service, at fair remunerative prices, the whole limited by a special appropriation, a remedy would at once be found to the present system, which is now not only burthensome to the State but fails to pay those who do the work, when compelled to dispose of their warrants received therefor at depreciated rates.

It should be borne in mind that the bulk of the expenditure for printing is usually incurred during the session of the Legislature, and any substantial reduction in the same hereafter, must follow a reduction in the amount of printing ordered by that body, each branch of which has the right by law to incur expense for this object.

The saving and benefits which it had been supposed would result from the contract system, have not been realised, and it is believed by the Comptroller that a State Printer should be appointed, with a view of insuring that responsibility necessary, and leaving a better opportunity of defining his duties and changing compensation when advisable, than is the case under the present system.

An appropriate committee of the Legislature could readily ascertain the cost of the various kinds of printing required by law, and the rates of compensation for each, could be fixed and paid in cash instead of warrants on the treasury, to be sold in the market as has been the case heretofore, during the period when most of the printing is required, at from fifty to sixty cents on the dollar—a price which has often been inadequate to pay in cash the parties performing the service, when compelled to sell at such depreciated rates.

The Comptroller suggests that the paper used for printing be purchased or contracted for at the same time, and in the same manner as is now practiced by the State, in the purchase of stationery, &c., for the Legislature.

A large saving could also be made by a change in prices for appendix-ing and indexing the Laws and Journals.



## CLAIMS OF THE STATE ON THE GENERAL GOVERNMENT.

The claim of the State upon the General Government, for the "Civil Fund," so long pending before Congress, it is hoped, will speedily be obtained, and the proceeds thereof received into our Treasury. Nearly two millions of dollars was levied and collected in California, by the officers of the General Government, while we were under military rule, and it would seem that we were certainly entitled to a portion of the same, or at least, a sufficient sum to defray the expenses of our State Government from its organization, on Dec. 15th, 1849, until the date of its admission, Sept. 9th, 1850. This expense amounted to \$436,804 36, and was paid for the support of our State Government during that period. It was liquidated mainly by an issue of bonds, bearing three per cent. per month, interest, the redemption of which, with interest, has cost the State the sum of \$462,682 25, leaving outstanding in principal and interest, \$9,576.25. This drain upon the Treasury for current expenses, while we were constructively a Territory, and like other Territories of the United States, entitled to aid and sustenance from the parent Government, should be reimbursed. This claim, then, founded as it is, in "justice and equity," ought to be pressed until recognized, and an appropriation, adequate to the demand is made by the General Government.

## INDIAN WAR CLAIMS.

The total amount of our "War Debt" on the 30th of June, 1853, with interest to the 1st of January 1854, was \$401,309 11. Nearly all the claims which constituted the basis of our war debt, have been examined and allowances made thereon, by the Board of Examiners of Military Claims. These Claims were the result of the various expeditions called out by the State to defend our frontier, and protect the incoming immigration in the years 1850, 1851 and 1852.

Pressing demands were made by the citizens of the State for relief and protection. These demands were not responded to by the agents of the General Government, then in Military Command in the State, as fully as the emergency required, from the fact that their forces were inadequate, and their supplies and munitions insufficient. The State was therefore impelled to call out, arm, equip and provision forces at great expense, or suffer her unprotected citizens, and the emigration on their way hither, to fall a sacrifice to the ruthless savage.

It was believed that this expense would be assumed and paid by the General Government, established as this practice had formerly been, by numerous precedents in its history. Congressional legislation in other cases of like character, has recognized and paid debts contracted in the prosecution of Indian Wars, by the States themselves, when obliged to undertake the duties of the nation in the suppression of these hostilities. The emergency which made it necessary for the State to interpose her

authority, was such as rendered any delay hazardous. The distance of the authority of the General Government from the scene of operations, was so great also, as rendered any application to the Home Government for assistance, impracticable, so imminent was the danger, and so immediate were the requirements of our people, exposed to the depredations of the several tribes of Indians, whose hostilities required a prompt and sudden check, or, emboldened by success at the outset, no limit could be made to the sacrifice of life and property which would follow. The responsibilities thus incurred by the State, must be met by the General Government, as the State is unable, at this time, to do more than she has done by pledging her faith and credit to those who have performed services and furnished means for these objects.

This State has over eight hundred miles of frontier. The various Indian tribes that inhabit our border for that distance, early commenced depredations upon our people. Inhabiting a mountainous country, and enabled to retreat to their fastnesses after acts of violence or theft, it was impossible to pursue them with success at the time, with a small force, when single instances occurred of the kind. It therefore became necessary to adopt means ample and to raise a force sufficient to make a decided impression, and to convince them by a summary process, of our strength, and our determination that they should expiate their crimes.

Had the State delayed action until the General Government could have been informed with regard to the necessity which existed at the time, the result would have been disastrous to the defenceless emigration and frontier settlements. Leaving wholly out of consideration the effect that delay would have produced upon the State, the cost to the General Government in the end would have been greater than that incurred by the State and which constitutes the claim upon which it is based.

The Indians, emboldened and rendered formidable by uninterrupted success, would have by the time the Government could have given protection, been far less readily brought into subjection, and a much larger force and greater expenditure would have been required to subdue them. It is also believed (and even admitted by Government officers then in the State,) that army soldiers could not have been retained in the service at that time, in numbers sufficient for the emergency.

The compensation paid to soldiers by the United States, was much less for a month's service, than the price of a single days labor in the mines. Desertions therefore, would probably have left the officers without adequate force. This was foreseen, and State forces composed of effective men, it was believed indispensably necessary to accomplish the ends demanded.

The cost of supplies, transportation, &c., were procured by the State at as reasonable rates as they could have been by the General Government.

A rigid and careful scrutiny has been exercised by the Board of Examiners, (consisting of the Comptroller, Treasurer and Secretary of State,) in the auditing of War Claims, and in the allowances made therefor. Full vouchers, satisfactory proofs, and evidence of the authenticity of each was required, and in the settlements, the Board, (as required by law,) endeavored to be guided by the "Rules and Regulations of the United States Army," prescribing the mode and manner of such settlements.

Nearly all of the appropriations made for the purpose of liquidating these claims by an issue of Bonds have been exhausted, and it is also ascertained

that there are few claims outstanding. The State as yet has made no provision for paying the accruing interest on this class of bonds.

It is hoped that, as the General Government was bound to protect us and was unable to do so, that the debt incurred by the State for that purpose, in the absence of such protection, will soon be assumed and paid by the United States.

## PROVISIONS MADE BY LAW AND REVENUE FOR COMMON SCHOOLS.

Amount collected under Revenue law of 1852	\$22,253 93
Interest due on School Fund, (from sales of lands,)	29,957 56
From Escheated Estates, - -	1,014 79
Total on hand at date,	\$53,220 29

The laws of our State provide that the income arising from our School Fund shall be distributed pro rata to the children of the State, in organised school districts.

Already there has been received for the sale of school lands, \$463,360. This, and all amounts arising from the sale of the 500,000 acres of land donated to new States, by Act of Congress in 1841, (and by our Constitution devoted to school purposes,) is subject to an annual interest at the rate of seven per cent., collected in the ordinary manner, and with the interest tax of the State for the purpose of paying the interest on all our seven per cent. Civil Bonds. The whole amount of these lands will probably be sold, at no very distant day, giving to the School Fund a million dollars from this source, and seventy thousand dollars interest each year, to be distributed in the same manner. Add to this the proceeds of the sales of the 16th and 32d sections of all public lands within the State received by virtue of the legislation of Congress, together with escheated estates set apart by our State for the same purpose, and it will be seen that there has been already made full and permanent provisions for the education of the children of our State, provisions alike creditable and liberal.

The following statement exhibits the sales of school lands to date:

### STATEMENT

*Of the total number of School Land Warrants sold, and the proceeds thereof, up to the 30th of June, 1853, inclusive, under the act, approved May 3, 1852.*

Number of Land Warrants for 160 acres,	595
" " 320 "	219
Total number of acres,	165,280
Amount of proceeds in cash,	\$65 04
" " Comptroller's Warrants.	\$330,494 96
Total amount of proceeds.	\$330,560 00



## STATE LIBRARY.

Although a very considerable revenue has already been provided for the purpose of procuring a State Library, it is believed that a tax should be laid on each suit appealed to the Supreme Court, to be applied to this purpose and for the purpose of obtaining a Library for that Court, in conjunction with the State Library, giving the discretion of the purchase of books to the Supreme Judges. A moderate tax would soon secure a library, alike useful and necessary.

## APPROPRIATIONS.

The policy of adopting hereafter the practice of appropriating moneys separately and distinctly for each item of State expenditure, is again earnestly recommended, and the practice of setting apart a gross amount, to be drawn upon when the law requires, or when in the discretion of an officer it may be thought necessary, discontinued.

This change is urgently demanded, for many important reasons. Were appropriations special and limited for every object of outlay, the auditing officer would be able to better discharge his duty, and never would be permitted to exceed the amount of expenditure intended, while under the present system where certificates of other officers are not unfrequently his only guide, or his own discretion can only be exercised, he is often charged on the one hand with injustice to claimants in not recognizing their claims, and on the other, if paid, with exercising that discretion improperly.

Should the plan suggested be adopted, the amount of expenditure required could be better known, and the amount requisite to support Government, could also be approximated and provided with greater certainty. At the close of each session, no doubts would exist as to the amount of outlay authorized for the succeeding year. The immediate saving which would be the result, is readily perceived, as no one would expect more than what had been provided, and no officer would have any discretion to exercise, or certificates to guide him in making farther payments. I beg leave also to repeat in this connection, the recommendation heretofore made with regard to the repeal of all laws authorizing the receipt of any moneys, or redemptions, or any drafts from the Treasury, without the "printed or written order or warrant" of the Comptroller, obtained after a settlement had been made, and the fact had become a matter of record, where by law all "accounts are to be kept. The laws organizing the Comptroller's and Treasurer's Office, make them distinct; and contemplate that settlement should be made by the Comptroller with any and every party with whom the State may have dealings, as well as with the Treasurer.



The Comptroller also is required to report annually and specifically, the fiscal affairs of the State to the Governor, to be submitted to the Legislature. This he cannot do if moneys are authorized to be paid "To the Treasurer," or "By the Treasurer," instead of "Into the Treasury," or "From the Treasury," as the law contemplated originally.

Inadvertently many acts appropriating monies, and providing for the manner of redemption or reception of monies, have substituted the first expressions for the latter, causing no little embarrassment on final settlement, and rendering it impossible for the accounting and collecting officer of the State, to keep such an account with the disbursing officer, and others making payment into the Treasury, or "with whom the State may have dealings," as it is by law his duty.

Confusion must be the result of these inroads upon the duties of those officers, if such irregularities in the modes of settlement and payment by the State, are persisted in much longer. The business of both of these Departments has, and will rapidly increase, and in order to an intelligent and proper understanding and condition of them, at all times hereafter, they should remain as distinct as they were made by law when organized.

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## CONCLUSION.

The Comptroller deems it his duty to call to the attention of yourself and the Legislature, the fact of the insecurity, and want of protection which now exists, for important papers, and the various kinds of blanks, or evidences of indebtedness, either wholly or partially finished which of necessity must remain for a time in the hands of the officers of the several departments, either awaiting delivery or final completion. As yet, the means of security afforded, have been wholly inadequate. The result has been, that in two instances, partially prepared warrants have been purloined from his office. This could not have been avoided by all the caution and prudence he was capable of exercising, so exposed were necessarily all his papers, and so insufficient were the means of security and protection.

If proper safes or vaults had been provided, and the business apartments had been so arranged as to separate the clerks while engaged in their vocations, from those who not unfrequently intrude upon them at times when pressed with business; such misfortunes could have been avoided. It is also suggested that stated periods should be named in the law providing for payment of officers, members, clerks, and attachés of the Legislature, and that the accounts and bills for each person should be certified by the proper officers of the body to which they are connected, and sent to the Comptroller, at least two days before time of payment. This precaution is demanded for the reason that it has not unfrequently happened, that a large number of bills requiring further authentication were presented in a single day, and the claimants, impatient and importunate, for payment at once, waiting settlement and delivery, to the great annoyance of the officers and clerks—subjecting them to hasty action and mis-

takes, which if more time were allowed, they would be enabled to avoid. In canceling the warrants which have been drawn and redeemed at the Treasury, it has recently been ascertained that only three warrants issued during the past two years, were erroneously issued and redeemed. One warrant drawn in favor of C. C. Hornsby, Sergeant at-Arms of the Legislature of 1852, for \$20. One in favor of H. A. DeCoursey for \$80, Clerk in the Legislature of 1852; and one in favor of Wm. Patterson for \$812 50, also issued in 1852. The Comptroller recollects the facts connected with the two first-named warrants which led to the error, occurring at the time, when from the want of sufficient clerical force in his office, and from a great press of business at the close of the Legislature, he was unable to keep up his books so as to balance all accounts. On one occasion, (the last day of the session of that Legislature) over nine hundred warrants were issued in a single day.

The warrant drawn payable to Wm. Patterson, appears to have been one that was purloined when partially finished and put into circulation. The day on which it appears to have been in process of formation in the office, was occupied in issuing warrants of the same character, and the loss of it escaped the vigilance of the Clerk. It was not registered by the Treasurer, and was inadvertently redeemed at that office.

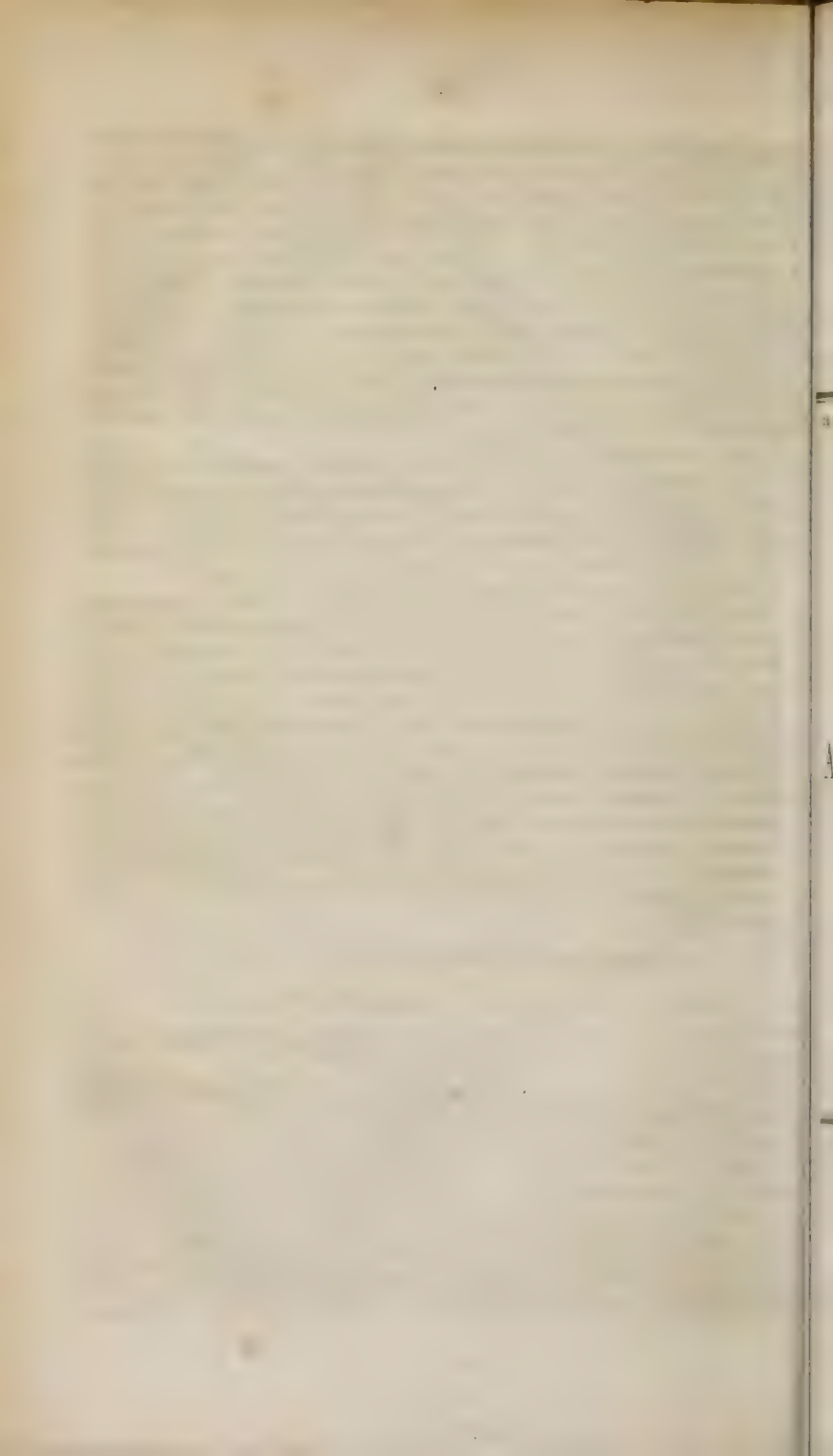
The Comptroller and Treasurer regret even that these errors have occurred, although, taking into consideration the imperfect security afforded them, the exposed condition of the offices, and the large amount of business passing through their hands, they congratulate themselves, in view of the fact that no errors of a greater magnitude have occurred. Many millions have passed through their hands, in the collections and disbursements required by law to be made. Also, in the redemptions which have been made during two years past, in the issuing of the different classes of Bonds, School Warrants, &c., and those are the only errors found in the settlement of these accounts by themselves, and the Committee of the last Legislature, appointed to examine said accounts, and vouchers of these officers. Should, however, the ensuing Legislature require it, these officers will jointly reimburse the amount lost by the errors pointed out.

With respect, I have the honor to be

Your ob't serv't,

WINSLOW S. PIERCE,

Comptroller of State.



Document No. 4.

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IN THE ASSEMBLY.]

[SESSION OF 1854

OPINION

OF THE

ATTORNEY GENERAL

IN RELATION TO

THE LEGAL LOCATION OF SCHOOL LAND WARRANTS.

[GEORGE KEER, STATE PRINTER.

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OPINION

OF THE

ATTORNEY GENERAL.

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*To the Hon. the Senate and Assembly of the  
State of California :*

In accordance with your concurrent resolution of the 19th instant, directing "the Attorney General to prepare and present to the Legislature now in session, an *opinion* on the legality of the location of School Land Warrants as now practiced in this State," I beg leave to submit the following :—

1st. I do not think School Land Warrants can be legally located on public lands before they are surveyed, because the Act of Congress of September 4th, 1841, donating to each of the new States, five hundred thousand acres of land, directs that the same "may be located after it shall have been surveyed according to existing laws."

2d. After survey, there can be no doubt that School Land Warrants can be legally located on public lands, for the Act of Congress above referred to, provides that the land granted to the State may be selected in such manner as the State Legislature "shall direct;" and our Legislature has, by the Act of May 3, 1852, "directed" such lands to be located by the holders of School Land Warrants, whom, for this purpose, it has made the agents of the State.

3d. I consider that a location under our Act of May 3d upon unsurveyed land, can confer no right of possession or property in such land as against

a subsequent purchaser or settler under the General Government, unless it be followed up by an actual possession of the land so located, but such a naked location without possession, will be valid as against a subsequent location under the same Act, or any other State law.

4th. A School Land Warrant for one hundred and sixty acres only, cannot be located alone, but two or more warrants, each for one hundred and sixty acres, may be located at the same time, and if the whole number of acres located under the two, are in a compact body, and conform to the "sectional divisions" and "subdivisions" the location will be valid.

J. R. McCONNELL,  
Attorney General.

*January 26th, 1854.*

Document No. 5.

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IN THE ASSEMBLY.]

[SESSION OF 1854.

# GOVERNOR'S SPECIAL MESSAGE

AND

REPORT OF THE

SUPERINTENDENT OF PUBLIC INSTRUCTION.

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[GEORGE KERR, STATE PRINTER.





## GOVERNOR'S SPECIAL MESSAGE.

EXECUTIVE DEPARTMENT, }  
Benicia, Jan. 31st, 1854. }

*To the Senate and Assembly of California:*

I have the honor herewith to transmit a copy of an important report, received on the 24th inst., from the Superintendent of Public Instruction; the suggestions therein contained are worthy of immediate and careful consideration.

In this connection, I deem it a duty again to urge upon you the great importance of legislative action, in order to secure to the State all the lands donated by Congress for educational purposes.

The Act of 1852, which authorized School Land Warrants to be issued, was passed to secure the proceeds of the sales of the five hundred thousand acres for the great object designed by the framers of the Constitution—the education of the children of the State.

These lands, donated by Act of Congress, approved Sept. 4th, 1841, were originally granted for purposes of internal improvement, but were diverted by our Constitution to the support of Common Schools. As yet, but a small portion has been surveyed: and it is held by agents of the General Government, that, under the provisions of the Act of Congress, approved March 3d, 1853, School Land Warrants, issued by the State, cannot be located on unsurveyed lands. Under this construction, the State will be delayed in her selections, perhaps, for many years, and, indeed, may eventually lose the greater part of the fund.

Is the State to be deprived of this fund, at a time when a general and comprehensive system of Public Instruction is so much needed? Is the education of the children of the State, now numbering tens of thousands, to be subject to the delays and uncertainties incident to the action of the Federal Government?

These are questions of vital importance to the people of California, intimately connected, as they are, with their present interests and future welfare. I hope, therefore, that the Legislature will, at an early day, memorialize Congress to confirm, by special act, the past legislation of the State,

in relation to the selection of the five hundred thousand acres of school lands, and to remove the restrictions which, at present, retard her progress, and are inimical to her interests and the future welfare of her people.

Such a policy can work no injury or hardship to the actual settler, for the reason, that the lands selected can be disposed of by the State, under your direction, on the same terms as now exacted by the General Government, and with less actual expense to the purchaser, than under the existing laws of the United States. If the price be fixed at one dollar and twenty-five cents per acre, the school land *unsold*, including the 16th and 36th sections will yield six million eight hundred and forty-six thousand nine hundred and fifty-five dollars, which at seven per cent. will afford an annual interest of four hundred and seventy-nine thousand two hundred and eighty six dollars and eighty five cents : a sum quite sufficient to sustain a system of popular education superior to that of any of the older States of the Confederacy.

The plan proposed by the Superintendent would give to persons of small means, an opportunity to secure homes at a trifling amount of annual interest, until prepared, at some future day, to pay the principal.

This plan, it is believed, would favor the interests of the actual settler, and is consistent with the requirements of the Constitution : which direct that the interest, only, shall be annually applied for the benefit of Common Schools : leaving the principal intact, and a perpetual fund for their support.

Should, however, the present Legislature fail, or neglect to adopt proper measures, in reference to these lands, there is great reason to fear that the State will be deprived of the greater part of them, and the cause of education within the State, be seriously retarded. The proceeds of these lands, unless immediate action be taken to secure their selection, instead of constituting a fund for the education of the children of the State, as designed by the Constitution, will accumulate in the treasury of the nation, now full to overflowing, and be forever lost to the rising generation.

To secure the selection of these lands and preserve the educational fund, is the object of this communication, and it is hoped that it will incite you to give the subject immediate and favorable consideration.

JOHN BIGLER.

REPORT OF THE  
SUPERINTENDENT OF PUBLIC INSTRUCTION.

HIS EXCELLENCY THE GOVERNOR:—

Under article 4, section 6 of the Act in relation to Public Schools, it is made my duty to suggest to the Legislature, "Ways and Means for raising funds for the support of Common Schools," and for the promotion of the general interest of education throughout the State," I desire to do this through your Excellency the chief executive officer.

The capital of the school fund arising solely as yet from the sales of school land warrants is \$463,360.

The interest arising from the bonds of the State thus set apart, is the only revenue, as yet provided for sustaining the schools of the present year, viz: \$32,435 20, with a reasonable prospect of support from the State, the number of pupils in the schools of this year can be at least trebled from that of the report of my predecessor for the last school year—will the Legislature withhold that support? or, will the people, under the existing excitement, *expect* it?

The sales of school land warrants has almost entirely ceased. It is unnecessary here to advert to the causes—the fact suffices our purpose.

There remain by consequence 268,320 acres of the 500,000 acres of school lands unsold and not yet located. This with the 16th and 36th sections, and the lands donated by Congress for a seminary of learning, "46,080 acres comprise the entire school property in lands."

Energetic action toward an early location of the 268,320 acres, and of such of the 16th and 32d sections, as by pre-emptor settlement have become liable to "float" location; will be apparent to every one desirous of husbanding all proper resources in aid of our schools.

It is evidently the desire of Congress and of the whole people of our common country to sustain, by all proper aid, the energies of the settler, and the means of educating the rising generation—soon to succeed them in the halls of Congress, and in the varied positions peculiar to the republic.



There can be no clashing of these great movements; they step in harmonious concert toward the goal of their great destiny.

So careful was the 26th Congress of the integrity of common school and seminary lands; that they provided that settlements made on the 16th sections four months prior to survey, (then necessary to pre-emption) should have the privilege to enter any *other* quarter section within the district "in lieu thereof"—and likewise that any settler upon "seminary lands, *having settled before selection* by the State," should have the privilege to enter a quarter section "within the land district *in lieu thereof*." Statutes at large, vol. 5, page 382.

By subsequent action of Congress, the settler on the 16th and 36th sections, is permitted to enter at the minimum rates; to exercise in other words, the same pre-emption right as though he had been located elsewhere—and this is evidently the exercise of an equitable right.

If we were to say that the settler was compelled to pre-empt—we should utter a silly thought; no settler is compelled to pre-empt. It is a privilege that he may, or may not use. He may, or may not pre-empt the 16th and 36th sections. If he does not pre-empt, where do the lands (the 16th and 36th sections set apart for school purposes) belong? certainly no where else than to the school property! if he pre-empt in his own name, he must pay in *cash* to the General Government. If he makes his entry at the Registers, *as the agent of the State*, under the 500,000 acre law, he does so now after having paid \$2 in State securities for his land, and this realizes to the school fund 14 cents per acre per annum, being 7 per cent. interest of \$2 of State indebtedness, and the township, in either case, then locate their two sections elsewhere.

The *interest only* of the school fund can be used—hence, I suggest that the settlers on the 16th and 36th sections, who choose to decline the exercise of their pre-emption rights with the U. S. government, be permitted, with consent of the township School Commissioners, to file their bonds to the township with lien upon the lands, providing for the payment of \$1 25 per acre after ——— years, and paying *in advance* each year, the interest upon the same at the rate of 10 per cent. per annum to the proper officer for township school purposes.

Thus, if the whole of the school lands in each township of 36 sections be settled upon, they would produce to the township (6 miles square) the annual interest (on best security) of \$160 on \$1600 of capital.

Each township of six miles square may be expected to maintain a school, and this sum, though small, would be sensibly felt in the rural districts of the State, being applied only to cases where the town School Commissioners deem it preferable to locating elsewhere their two sections. It must be borne always in mind, that the 16th and 36th sections being peculiarly to purposes of education, *within* the township, and cannot properly go to the State fund. An Act to regulate the manner of proceeding in this relation becomes imperatively necessary. It may be expected that the people of the township, immediately interested, will better than any body else, husband the small means provided, and they should be sustained by the necessary enactments of law.

Provision should be made in every township now established; and in every township of six miles square as soon as surveyed, not only for the

ection of School Commissioners, but also for the levying of such rates of taxation as they may deem necessary to support one or more schools, *free of charge to all the children within the township*. This should be made imperative: and in the event of any township failing to take such action, it should be made the duty of the County Superintendent to recommend, and the Court of Sessions, or the County Supervisors to confirm, subject to their modification, the rate of taxation for school purposes within the township neglecting the duty.

An Act amendatory to the existing law, comprising the above named, as well as an amendment to section 4 of article 3 of the Act of 1852, providing that the school moneys shall be distributed in proportion to the *average attendance*, instead of the number resident, I deem of pressing importance to the success of the system. Under existing law, it is made the interest of the schools established within a district, to prevent the establishment of others, to share the funds. Some districts have large sums now lying idle, by reason of this clause in the law, whilst others, with a larger attendance of pupils, are suffering, if not discontinued, for lack of funds.

The inquiry, what shall be done in respect to the remaining 268,320 acres of the 500,000 acres, I should answer in this way. I would suggest that the Act of 1852 for the disposition of these lands be so modified as to reduce the price to \$1 25 the acre, payable within ——— years to all actual settlers; payment to be secured to the school fund; and the failure to pay 10 per cent. per annum interest, *in advance*, to the County Treasurer of the county wherein the land may be situated; and the forwarding of the Treasurer's duplicate receipt therefor to the Comptroller of State, to be charged against him; should work a forfeiture, and subject the land to sale for the benefit of the school fund, to highest bidder. I would further suggest, that parties locating and not occupying, should pay \$—— the acre, in cash or State securities, or within ——— years: and that upon the payment of the interest of 10 per cent. one year in advance, or cash or State securities, they receive certificates of ownership, entitling them to register as the agents of the State, and providing therein for a forfeiture of title by non-payment of the subsequent annual interest, in advance, as before suggested.

The seminary lands awaiting only the U. S. surveys to be fully and conclusively located, I recommended to be placed, at once, under the entire control, and management of the Board of Regents of University, which cannot doubt the Legislature will provide for at an early day, in "An Act to establish the California State University."

It may be expected that the regents will be selected by the Legislature from the several judicial districts, of gentlemen of distinguished ability and integrity of character, and that their disposition of this boon from the General Government, will be worthy themselves and the great object of the eternal donation. I know of no impediment to the organization of the State University, upon such basis as to meet the peculiar merits of our State, throwing aside *all distinctions of birth, or wealth, or sect, or section*, giving opportunity to all to prepare themselves and their children, by the *power* of knowledge, for those high positions ever earned and won by industry.

This Institution should embrace, beside the collegiate departments, primary, secondary, and grammar departments, to which could be sent, at comparatively small expense, children from districts now so sparsely settled as

not to be able to support a school, and also a *military department*, sustaining the mental labors by healthful and cheering exercises.

I repeat the hope of seeing, within two years, in successful organization after proper legislative enactments, schools of learning, not only in our cities, towns and villages, but within every "six miles square" of the settled portions of the State, and that they be conducted with that ability that belongs to the energy and intelligence of this people. Not as in some States, fighting at shadows, passing the substance; not quibbling in a school house about that, *that don't belong there*, but educating the youth of our State; preparing them to succeed you in these halls—to equal and to excel you—to replace the ermined judges—and last, not least, to form the cohort forces of the State, in that great struggle that awaits our common country.

This great State is not the propagandist of any *creed*—nor the factionist of any *section*; to elevate the general intelligence of man, and to disseminate and extend republican influences, is her more exalted destiny.

I have the honor to remain your Excellency's obedient servant.

PAUL K. HUBBS,

Superintendent of Public Instruction.

*Department of Public Instruction, Jan. 24, 1854.*

Document No. 6.

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[SESSION OF 1854.]

GOVERNOR'S SPECIAL MESSAGE

AND

COMMUNICATION FROM

S. A. M'MEANS, STATE TREASURER,

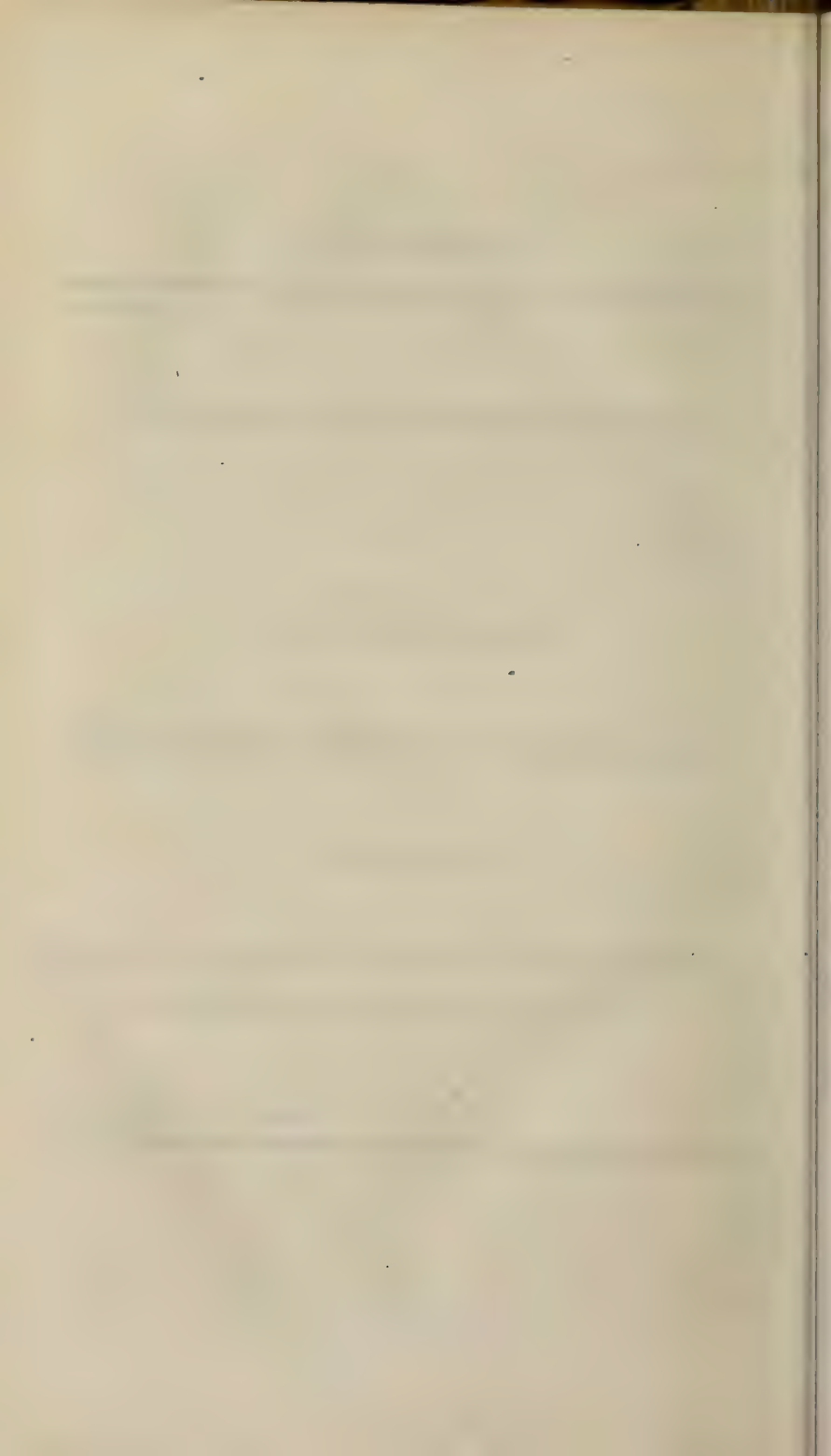
IN RELATION TO THE

PROMPT PAYMENT OF THE INTEREST AND PRINCIPAL OF THE CIVIL DEBT OF THE STATE.

[GEORGE KERR, STATE PRINTER.]

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## GOVERNOR'S SPECIAL MESSAGE

AND

COMMUNICATION FROM HON. S. A. M'MEANS,  
STATE TREASURER.

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EXECUTIVE DEPARTMENT,  
Benicia, Feb. 4, 1854. }

*To the Senate and Assembly :*

I have the honor herewith to transmit a copy of a communication from the Hon. S. A. McMeans, State Treasurer. The suggestions it contains are cordially approved, and I trust will receive your early and favorable consideration.

JOHN BIGLER.

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STATE TREASURY DEPARTMENT,  
Benicia, February 3, 1854 }

TO HIS EXCELLENCY GOVERNOR JOHN BIGLER:—

SIR:—The time is rapidly approaching when the Legislature should proceed to consider such revenue measures as they may deem necessary to secure the prompt payment of the interest and principal of the Civil Debt of the State.

As the late Treasurer's Annual Report only extends to the conclusion of

the fiscal year ending June 30th, 1853, and I am not aware that a supplementary report has been submitted to your Excellency; and as some important changes have taken place in the condition of the State indebtedness since that period, I desire to submit to you, a brief statement of facts which may aid the Legislature, to some extent in determining the alterations necessary to be made in the present revenue laws.

It is deemed necessary to state that the sinking fund now on hand, which has been provided by law, to liquidate the principal and interest on the three per cent. bonds, or bonds issued under the provisions of an act, entitled "An Act creating a Temporary State Loan," passed February 1st, 1850, is ample for that purpose, and therefore any further provision for these will be unnecessary. There is at present a sufficient amount in the Treasury, to meet the interest falling due in July next, on the seven per cent. civil bonds, issued under the provision of the funding act of 1851, and leave a surplus of \$39,476 22 for the redemption of the principal.

On the 9th of January, 1854, I proceeded to advertise for the redemption of \$32,000 00 of the principal of said bonds, agreeably to the provisions of an act, entitled, "An Act supplementary to an Act to fund the debt of the State," &c., approved May 4th, 1852.

The total amount of Civil Bonds issued under the provisions of the funding act of 1851, according to the records in this office, was,		\$458,500 00
Total amount redeemed to date,		98,000 00
Amount now outstanding exclusive of interest,		\$360,500 00
Of this amount there will fall due on the 1st of March, 1855,		\$131,500 00
Deduct from this amount, the sinking fund now on hand, exclusive of interest,		39,476 22
Balance due 1st of March, 1853, exclusive of interest,		\$92,023 78

To meet this, we may reasonably calculate upon whatever cash may be received hereafter in payment for State property, sold under the provisions of "An Act to provide for the sale of the interest of the State of California in the property within the water line front of the City of San Francisco, &c." approved May 18th, 1853, together with the proceeds of the fifteen cents property tax provided by the present revenue law.

But it should be remembered, that while the last Legislature had but sixty-five millions of taxable property as a source of revenue, to base their calculation upon, the present will have near one hundred millions; therefore, without taking into consideration the cash proceeds of the sales of the State property in San Francisco, but little doubt could be entertained of our ability to pay the entire interest accruing on the seven per cent. bonds of 1851, up to January 1st, 1855, and of promptly meeting so much of the *principal* on the same as will fall due the 1st March, 1855. Hence, I infer that the assessment of fifteen cents might be reduced with safety, at least one-third; thus lessening the burden of taxation on the people. This opinion is strength-

ned by the fact, that \$327,000 of the bonds issued in 1851, will not fall due until the year 1861.

Presuming that a considerable amount of cash will be received on the sales of the property above mentioned, which will be turned over to the sinking fund of 1851, a reasonable calculation may be made on a speedy liquidation of the funded debt of 1851.

The seven per cent. civil bonds issued under the provision of an Act approved May 1st, 1852, and the supplementary Act, approved May 17th, 1853, constitute the only portion of our civil indebtedness which would appear to require additional provisions for its payment.

The total amount of these bonds issued, as appears by the records of this office, is	\$1,419,000 00
Total amount redeemed to date,	24,500 00
Balance outstanding, exclusive of interest, .	\$1,394,500 00

To meet the interest which will fall due the 1st of July next, on this amount, we have on hand, \$10,758 27. To this, if authorised by law, might be added the unemployed 20,000 now on hand, and set apart for the redemption of the principal of the State Prison bonds, without prejudice to their present holders, and would leave but little to do on the part of the Legislature, to enable me to make the July payment.

The necessary means for the support of Common Schools, in which all must feel a deep interest, will not of course be overlooked by the Legislature.

The interest arising from the sales which have been made of a portion of the five hundred thousand acres of school lands, donated to the State for school purposes, has proved to be inadequate to meet the public demands, now that the free school policy adopted at the last session of the Legislature, is beginning to be fully carried out. The partial experiment already made, has had the effect to reveal the fact, that California now has thousands within her limits, whose tender ages disqualify them for active participation in the affairs of Government, but to whom ere long, must be entrusted, to an important extent, the defence and preservation of her republican institutions; a reflection, which doubtless inspires every philanthropic and patriotic bosom, with a sincere desire, that they to whom this great trust is to be committed, should be fully prepared to protect it understandingly. With a due regard to the dictates of prudence and wisdom, these great ends can be accomplished, and all reasonable assurance given of the willingness and ability of the State to promptly fulfil all her pecuniary obligations,

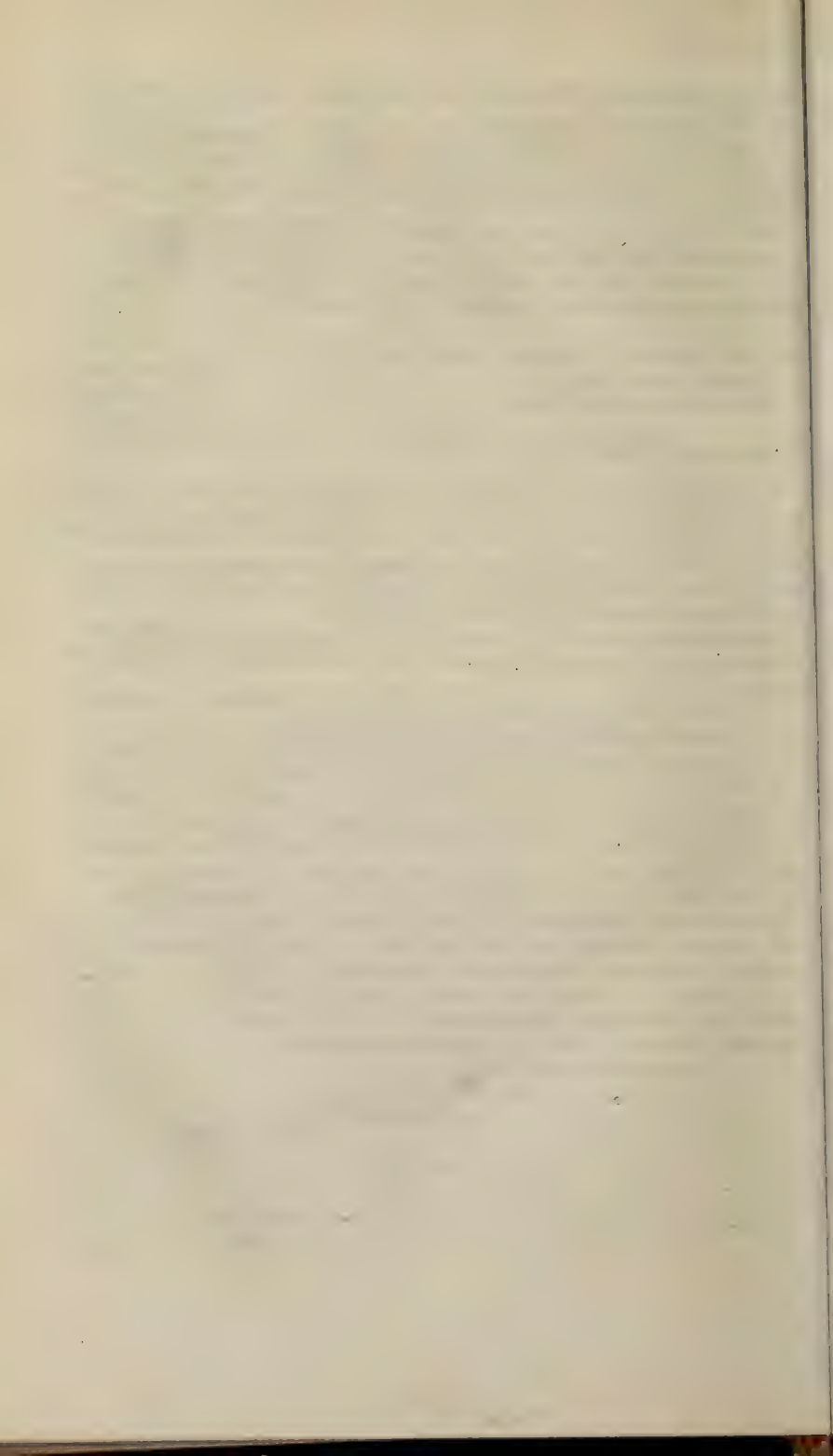
I have the honor to be,

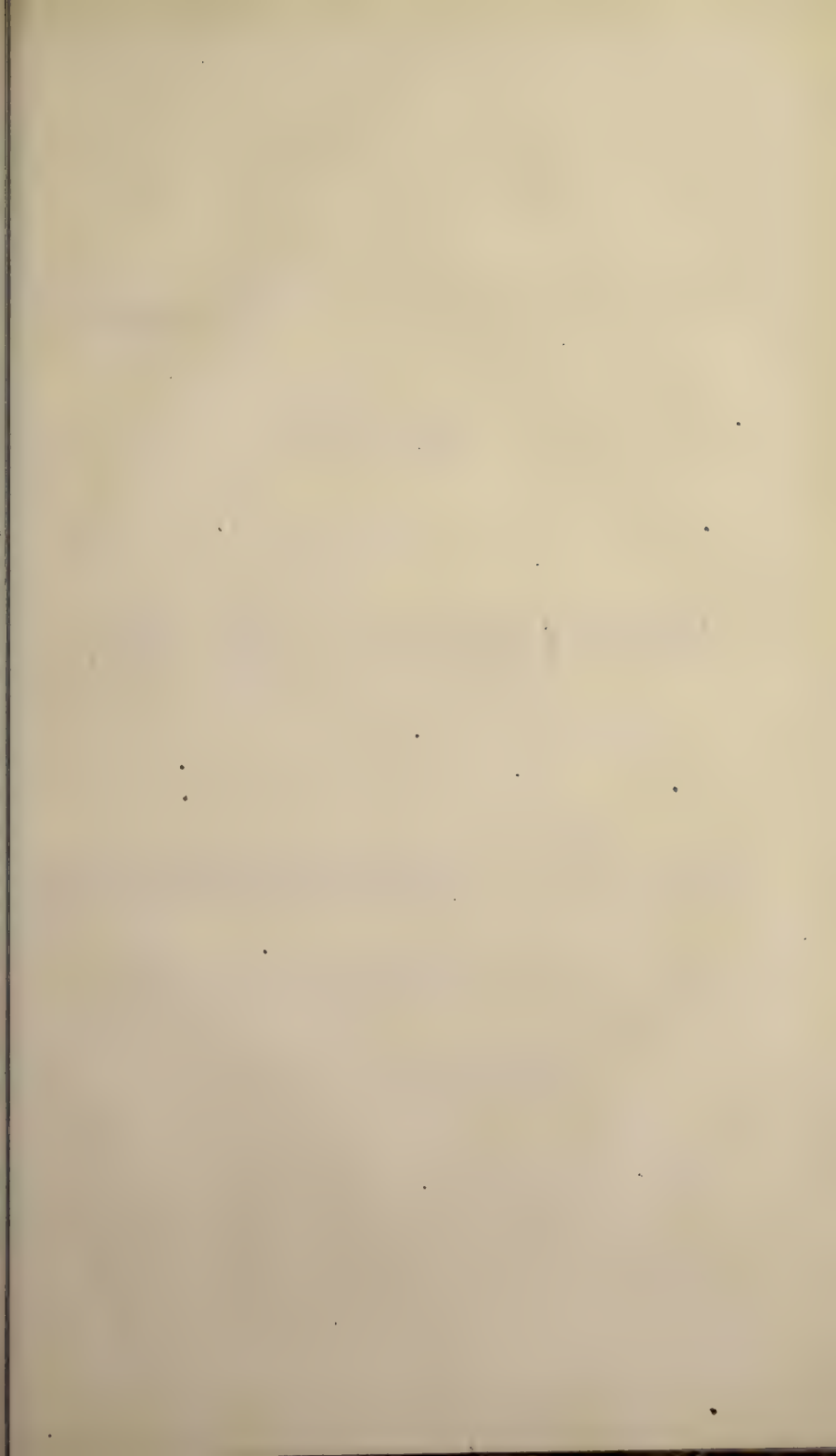
Your Ob't Servant,

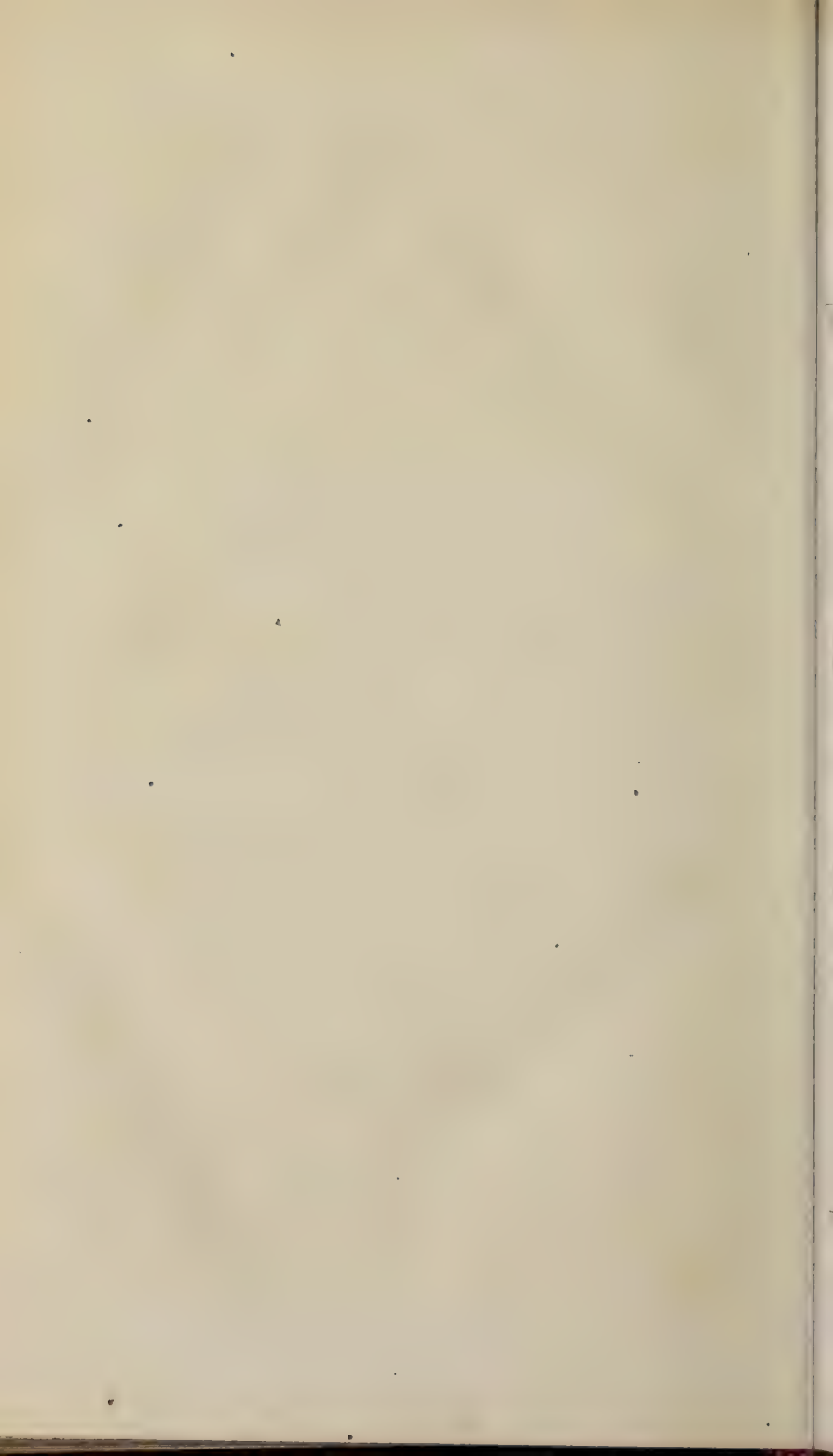
S. A. McMEANS,

State Treasurer.









Document No. 7.

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IN THE ASSEMBLY.]

[SESSION OF 1854.

REPORT

OF

SPECIAL COMMITTEE

APPOINTED 1853, TO

EXAMINE THE BOOKS AND PAPERS

OF THE

STATE OFFICERS.

B. B. REDDING, STATE PRINTER.]

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THE HISTORY OF THE

REIGN OF

THE

## REPORT OF SPECIAL COMMITTEE.

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His Excellency JOHN BIGLER :

Esteemed Sir :

Your uniform anxiety in relation to the financial condition of the State, induces me to send you a copy of the report of the Senate Committee on Public Expenditures, acting in connection with the Committee of the Assembly, instructed to examine the accounts and vouchers of the Comptroller and Treasurer of State.

Your obedient servant,

PAUL K. HUBBS.

Benicia, October 31, 1853.

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To the Hon. SAMUEL PURDY,  
President of the Senate.

*Mr. President :*

Your Committee on Public Expenditures, directed to examine the accounts of the Comptroller and Treasurer of State, having fulfilled their duties, in connection with the Committee of the Assembly, appointed for that purpose, respectfully report as follows :

The accounts of the Comptroller of State having received but limited examination from the Committee of the preceding year, your Committee have deemed it necessary to commence with the organization of the State, and have given the accounts and vouchers a more thorough examination than would have been called for, had the books of either Department, especially those of the first, second and third fiscal years, been kept with proper system. The duties of your Committee have been, so far as practicable, subdivided, and your Committee have not acted precisely as a Board, inasmuch as such action would have required much longer time without results proportionately material. The examination has been made with great care of these books of accounts for the *four fiscal years* preceding the first day of July last ; as also of more than thirty thousand vouchers necessarily traced from the original transaction to final settlement.

In view of greater simplicity in the accounts, and of having every account to present upon the Ledger, the actual amount due from or to the party, your Committee recommend to the Comptroller's department, an entire change in the manner of keeping the books. That all suspended accounts, such as amount of assessment charged to the Treasurer of the County upon the return of the duplicate, and others of similar character, be kept in a separate account, and especially, that the accounts of County Treasurers, and other officers, be kept in the name of the responsible officer. Some very able reforms in relation to these matters have recently been made by Mr. Hushton, of the Comptroller's office.

Your Committee do not think it important to notice here many small errors, further than to say, that with a different system, requiring monthly or quarterly "balance sheets," which necessarily test all the postings from the original entry, a recurrence of these errors would not be possible. The aggregate of the errors detected by your Committee, and the amount of which are sure to be repaid to the State, amount to more than ten thousand dollars during the four fiscal years, notwithstanding the very *great care* exercised by the ex and present Comptroller of State.

### COUNTY OFFICERS.

In testing the settlements by county officers, your Committee regret to notice, that with few exceptions, *their accounts have not been accompanied by the proper vouchers*, required by law. Seldom has a County Treasurer had his accounts attested by the Auditor, nor has any check appeared, by which, in most cases, the Comptroller, nor your Committee, can know (by legal vouchers) whether the actual receipts for the State, by the County Treasurer, have been paid to the State Treasury. Conflicting statutes, with many general provisions impracticable of execution, have added much to this confusion. Considerable progress towards reformation of these evils, has been made by the present energetic Comptroller, aided by the revenue system enacted the past session; but a *more rigid enforcement of the law* is eminently called for.

### CASH PAYMENTS FROM THE TREASURY.

The question as to the proper manner of making payments in "coin" from the Treasury, is, and will be, very embarrassing to the Treasurer, unless promptly defined by legislative action. As the condition of the Treasury at the opening of the session will be very similar to that of the session of 1852, your Committee report herewith an abstract from the Cash Book, showing the amount of cash received, and the manner of disposing of it, from July 1, 1851, to April 1, 1852. (*See Appendix "A."*) A large amount of money appears to have been withdrawn by some of the County Treasurers, in private capacity, immediately after their payments to the State in official capacity, at a time when Warrants were readily purchased at forty to fifty cents on the dollar. From January 1 to March 1, 1852, there was paid into the Treasury in coin \$98,556 29, nearly one-half of which belonged to the "General Fund;" during this time, members of the Legislature receiving \$10 per diem, and \$5, after sixty days' session, as was then supposed. Many of them were obliged to sell their warrants at forty to forty-five cents on the dollar. *The whole amount paid to members before the 2d of March of this large receipt, was \$938!*

On the 8th of March, 1852, the Legislature passed an Act, requiring, substantially, that the members should each be paid \$300 in cash. A similar Act passed at the session of 1853, included the officers of the two Houses. Believing that neither *State officers*, their *employees*, nor members of the Legislature, should take a preference over other creditors of the State, your Committee recommend as a means to prevent anything of this sort in the future, that an Act be passed requiring the

warrants of the Comptroller to be so drawn as to permit and direct the Treasurer of the State to pay them in the order of their presentation for registry, and that when, after notice posted in the office for one month, the warrant is not produced, it be placed at the foot of the succeeding list.

### SCHOOL FUND.

The interest has not been paid in to the School Fund, as provided by the Act of 1852, for the disposal of the 500,000 acres of School Lands, although a large amount of 7 per cent. bonds have been redeemed out of monies collected as interest tax.—The School Fund is undoubtedly entitled to receive the ratio of interest tax for the undred debt of 1851 on so much of Comptroller's warrants paid in for school lands as were fundable under Act of 1851; and those received fundable under Act of 1852, and the Act of 1853, are entitled to their proportion of the interest tax receipts for that fund.

The interest to be credited to this fund to	
July 1, 1852, is	\$351 34
January 1, 1853, is	5,062 83
July 1, 1853, is	9,791 23
To January 1, 1854, will be about	14,069 60
The cash now on hand from taxation under revenue act of 1852, is in	
3 per cent. bonds	3,900 45
(Since redeemed) coin	18,353 49

There will be to credit of School Fund in the Treasury, January 1, 1854,	\$51,528 94
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### THREE PER CENT BONDS.

Redeemed and cancelled after examination by committee, principal,	\$285,825 00
Outstanding, subject to redemption on call,	4,275 00
In hands of the Treasurer, never issued,	9,900 00
	<hr/>
	\$300,000 00

There has been paid <i>interest</i> on the above named	
bonds redeemed,	\$176,394 21
And will be paid on \$4,275 outstanding, about,	6,000 00
	<hr/>
	\$182,394 21

There remains in the office of the Treasurer \$9,000 of the bonds ready for issue. Your committee see no reason why they should not be cancelled, the Comptroller crediting the Treasurer therewith.	
Three per cents and interest unpaid,	\$10,275 00

### BONDS OF 1851.

The issue and the redemption (in part) of these bonds, as of those of 1852, has been thoroughly examined by your committee, and the bonds and the warrants, redeemed, have, as examined, been cancelled. At the time of redemption they had



been, by Mr. Hays, of the Treasurer's office, carefully endorsed, to prevent circulation.

There has been issued to 5th July last, of these bonds, No 1 to No. 917,		
at \$500 each,		\$458,500
Of the bonds due in 1855, redeemed to 5th July,		72,500
Outstanding July 5th, 1853, payable in 1855,	\$156,500	
"    "    "    in 1860,	229,500	
		<u>\$386,000</u>

#### BONDS OF 1852 PAYABLE IN 1870.

Issued to October 10, 1853, of the denomination of \$1,000,		
No. 1 to 1,145, is	\$1,145,000	
Of \$500, No. 1 to 554,	277,000	
		<u>\$1,422,000</u>
School land sales to October 10, 1853—		
757 warrants for 160 acres each, 121,120 a \$2,	242,240	
321 warrants for 320 acres each, 102,720 a \$2,	205,540	
Civil bonds for sale of school lands to be registered by Treasurer in accordance with the Act of 1852.		<u>\$447,780</u>

#### STATE PRISON DEBT.

Of which \$55,000 is now drawing 7 per cent. interest	\$135,000 00
Civil indebtedness of the State, exclusive of outstanding Comptroller's Warrants issued and not redeemed since July 1, and exclusive of \$4,275 principal and \$6,000 interest 3 per cent. bonds	2,390,780 00
Interest to be raised annually by taxation,	\$167,354 60
Add interest on War Debt,	
Now 12 per cent. on \$200,000,	\$24,000
Now 7 do 579,400,	40,558
	<u>64,558 00</u>
	<u>\$231,912 60</u>

#### WAR DEBT.

No progress has been made by the Board of Examiners towards compliance with the joint resolution of the Legislature, requiring their statement in relation to this debt; nor have your committee made such examination as these accounts should have in order to develop the extent of our claim upon the General Government.

The accounts of pay-master Foster remain unsettled. Warrant 778 for \$400, lost by John L. Smith, (to whom by order of Legislature of 1852, a duplicate was issued on filing the proper bond,) has, with the duplicate, also been redeemed. The original appears to have been redeemed on the 28th of September, 1852, the duplicate on the 7th of August, 1852; both to John Perry, Jr., broker, San Francisco.

There has been issued of bonds bearing 12 per cent. interest,	\$200,000 00
of bonds bearing 7 per cent. of the denomination of \$1,000,	
No. 1 to No. 341,	\$341,000
of the denomination of \$500, No. 1 to No. 369,	184,500
do do 250, No. 1 to No. 102,	25,500
do do 100, No. 1 to No. 284,	28,400
	<hr/>
	\$579,400 00
War Warrants issued, convertible into 7 per cent. Bonds,	27,508 41
	<hr/>
Total amount of War Debt, exclusive of accrued interest,	806,908 41
Civil Debt,	2,390,780 00
	<hr/>
Total liabilities of the State, exclusive of Civil Warrants issued and not redeemed since July 1, 1853, and of outstanding three per cent. Bonds,	\$3,197,687 41

The extraordinary total of expenditures heretofore incurred, by legislative action, must in the future be greatly reduced, or the most serious consequences will ensue. The large amount raised by taxation is unequal to the expenditures provided by law. The debt of the State is constantly increasing. The funding system, if carried any further, will not only make the evidences of indebtedness worthless, but will increase the *interest tax* beyond endurance by the people. If the present State debt were to be paid to-morrow, the continued excess of expenditures would very soon replace it in larger amount.

### LEGISLATIVE EXPENSES.

In the auditing of these accounts the Comptroller cannot go behind the orders for payment, directed severally by the two Houses. We find these expenditures audited in accordance with the orders attested by the clerks or Sergeant-at-Arms, and approved by the presiding officer for the time.

The amount paid for officers and clerks of the Assembly of 1853, has been \$57,769 60.

This includes \$2,413 50, paid to the Sergeant-at-Arms, over and above his per diem, for arrests, mileage and subpoenas.

This custom being no longer tolerated by Congress, your committee suggest a rule, allowing beyond per diem, actual expenses only.

The amount paid for officers and clerks of the Senate for the session of 1853, has been \$54,324 00.

Total legislative expenses for officers and clerks session 1853, \$106,093 60.

### EXECUTIVE.

The salaries audited for Executive and State officers, including State Prison Inspectors and Commissioners for fourth fiscal year, \$64,848 40

*Will be reduced* in the present fiscal year by course of law to the extent of \$32,783 43.

There has been examined and found correctly audited for 1853, *contingent expenses* of the Legislature, \$19,031 91.

The salaries paid from the State Treasury to *Judges* for 1852-3, amount to \$123,964 34.

There has also been examined and found to have been paid in accordance with

law, for *hospital* purposes during the third fiscal year, \$90,939 75, and during the fourth, \$210,306 42—together, \$301,246 17.

Your committee have examined with great care and labor, the vouchers and accounts for

### PUBLIC PRINTING.

The expenditure for public printing prior to that incurred under the contract system of 1852, was as follows, viz :

Paid H. H. Robinson, on vouchers dated March 16th, to May 15th, 1850,	\$53,132 7
To J. Winchester, up to Jan 28, 1851,	117,490 6
To J. B. Devoe, (mostly legislative) from Jan. 28, to May 2, 1851,	8,687 1
To Evening Picayune and other newspapers for publication of Laws of 1851,	48,946 0
To Eugene Casserly, Laws and Journals of 1851, and legislative and other printing in 1852,	85,246 7
To George Kerr, in 1852,	282 0
To V. E. Geiger & Co., in 1852,	16,657 9
From March 16, 1850, to July 1, 1852, total,	\$330,443 20

There has been paid for printing since the adoption of the contract system, from July 1, 1852, to July 1, 1853, including the Laws and Journals of both years, viz :

Legislative,	\$58,411 65
Census blanks and returns,	41,147 00
Paper,	16,962 20
Laws and Journals, 1852,	29,296 17
Ditto of 1853, (in part)	18,906 22
Miscellaneous,	87,771 05
	<hr/> 202,494 36

Total expenditure for printing since the organization of the State, - \$532,937 65

By section 2 of the Act of March 9, 1850, it is required of the Secretary of State to "aid the Comptroller in the examination of all accounts rendered by the State Printer."

Your Committee find upon none of the vouchers, (or rather bills of account unaccompanied in most cases by the printed vouchers whereby to measure the amount of work,) any evidence of the rendition of such aid or examination on the part of the Secretary of State, nor prior to the year 1852, of any computation by disinterested practical printers to test the accuracy of the accounts. With the passage of the Act of 1852, that of 1850 was repealed, and the Secretary of State released from that duty. The custom since then has been for the Secretary of State to certify to the receipt of the document, when not ordered by the Legislature; and in the latter case for the Clerk of the Assembly or the Secretary of the Senate, to certify that the printing has been ordered, and with the Sergeant-at-Arms, that it has been delivered. The present Comptroller has used great care in all these matters; has had the printed vouchers filed away, and in most cases called in "experts" before final settlement. With this loose manner of settling accounts rendered under first printing law, before them, your Committee were stimulated to examine with severity the



vouchers within their reach, and with the aid of a practical printer, estimated the work upon the Laws and Journals of 1850. See Appendix B.

Mr. Winchester had been paid	\$30,222 85
The estimate of work as made by Mr. Shepherd, and calculated by the Committee, including the binding, amounted to	30,325 46
Apparently underpaid,	<u>\$102 61</u>

Laws and Journals of 1851. Your Committee are of opinion that it was the intention of the Legislature [see Section 12 of the Act of April 22, 1850, page 341,] that when printing was done out of the State to the prejudice and injury of our own mechanics, a reduction of one half from California prices should be made. The Comptroller, on consultation with counsel, found a strict construction of the law to be adverse to this view, and audited the account for printing as presented. The Laws and Journals of 1851, were printed in New York, [see Appendix C.] that of the Laws badly executed, and were delivered in 1852, sometime after the meeting of the Legislature, having been purchased by Mr. Casserly from Mr. Fitch for about twenty-two thousand dollars in Comptroller's Warrants, and immediately turned over to the State and bills presented, audited and paid for thirty-nine thousand five hundred and fifty seven dollars and eight cents. Your Committee had the work on these Laws and Journals estimated at California prices. See Appendix B.

Estimate of work on Journals of 1851,	\$14,193 41
Add binding 800 volumes, 1868 pages each, 1,494,400, at	
1 cent*	14,944 00
Less 40 per cent.,	5,977 60
	<u>8,966 40</u>
	\$23,159 81
Warrants drawn for	<u>26,812 72</u>

To Eugene Casserly, estimated as overpaid on Journals of 1851,	\$4,652 91
Estimate of work on Laws of 1851,	\$5,507 29
Add full binding at 1 1-4 cents per page,	7,318 50
Less 40 per cent.,	2,927 40
	<u>4,391 10</u>
	\$6,898 39
Warrants drawn for	<u>11,744 36</u>

To Eugene Casterly, estimated as overpaid on Laws of 1851,	1,845 97
Total estimates to have been overpaid to Eugene Casserly, for printing Laws and Journals of 1851,	<u>\$6,498 88</u>

By voucher No. 3134 it appears that \$9,834 was paid to E. Casserly for 1400 quires poll-tax receipts and 90 quires Comptroller's orders, paid in accordance with law; but by same voucher a bill for paper \$3,297 and \$180 is not certified by the Secretary of State as required by section 5 of the Act of 1850, (page 84 of Statutes

\*The bill of Mr. Casserly charges this binding at 14 cents per page. See prices fixed by Section 12, of Act of March 9, 1850, page 84, Statutes of 1850. "NOTE." It is due to the Comptroller and to Mr. Casserly to remark here that all the printing accounts of Mr. Casserly were certified to be correct by two practical printers.



of 1850,) under which this amount was paid. The paper upon which legislative reports and other documents were printed is charged at \$16 the ream, and that for bills at \$10 the ream.

### CONTRACT PRINTING FOR 1852 AND 1853.

Some errors were discovered in the manner of executing the printing under the contract system of 1852 and 1853. The fault was ascertained and acknowledged by the sub-contractors to be theirs, and the contractors had the error immediately rectified. The promptitude with which the printing of 1852 and 1853 has been executed, contrasts greatly to the credit of the contractors, as compared with the printing of previous years. The cost of *noting, indexing and appendicing* the Laws and Journals has been the subject of examination by your committee. The accounts have been paid in accordance with law, and the rates not exorbitant if we except that for appendicing, which is clearly the solace of the office.

### FOLDING AND STITCHING.

The cost of folding and stitching, and putting up in blue paper covers the *Journals* only of the two last sessions, will amount to something more than twenty-five thousand dollars; the rate paid under the contract system being one and one-quarter cents per page, and this bid being below that of the Alta California, which was one and one-half cents per page, or over thirty thousand dollars for this work. The cost of folding, stitching and putting up in blue paper covers of each Journal of the Assembly for 1852 was eleven dollars; of each Journal of the Senate, nine dollars and ninety-two cents. And the Journals for 1853, at an estimate of twenty-five thousand pages, (far below the number,) will cost, if in one Journal, thirty-one dollars and twenty-five cents each, for folding, stitching and putting up in blue paper covers. Four hundred and eighty per session are printed under the Act of 1852.

### THE ANNUAL APPROPRIATIONS.

By Act of February 12, 1850, there was appropriated to defray the expense of Government,	\$1,000,000
Act of May 1, 1851,	500,000
Act of May 4, 1852,	600,000
Act of May 11, 1853, for expenses of Government to close of fiscal year, 1852--3,	300,000
Total,	\$2,400,000

Your committee have examined with severality the warrants to pay expenses of Government drawn upon the Treasury, together with the vouchers, and find them to amount for

First and second fiscal years, eighteen months,	\$933,869 09
Third fiscal year,	925,694 56
Fourth fiscal year,	1,151,301 04
Total.	\$3,010,864 86
Expended beyond appropriation,	\$610,864 89

The Comptroller of State, in view of the fact that most of the statutes providing for expenditures of money, have directed the warrants for payment to be drawn by the Comptroller, has considered the statute as clearly pointing out the line of his duty, and has by consequence drawn warrants, as above stated, far beyond the appropriations.

The custom of most of the States of the Union, as well as of Congress, require *specific* appropriations to be named in the annual appropriation bill; and where a failure in this respect is had to provide for any just account, it must nevertheless await subsequent legislative action. Your committee deem it important that this principle be properly defined by legislative action, for the guidance of the officers of State. The duties of the Comptroller of State especially, so arduous and responsible, should as far as possible, be clearly defined. Few men could have been found to wade through so large an amount of very intricate cases for adjudication with the same clearness of perception and ability of judgment as Comptroller Pierce. The matter of surprise rests with your committee that so few errors have occurred in such an extent of labor.

Your committee, in addition to recommendations under their appropriate heads, would in conclusion further recommend,

*First*, That the prices of the public printing be generally reduced, and be made to include the folding and stitching—that a fixed rate *per volume* be adopted for binding.

*Second*, That a Public Printer be annually elected by the Legislature.

*Third*, That the printing of reports of committees be made in limited quantity, and no bill be printed until after specific order of the Senate or Assembly, as the case may be.

*Fourth*, Provide for indexing and noting separately from appendixing; the former being now fairly and the latter extravagantly paid for.

*Fifth*, Direct by Joint Resolution that an attested copy of the Journals of the two Houses be made by the Secretary of the Senate and by the Clerk of the Assembly respectively, and deposited in the State Library for public examination. Your committee submit that this would be fulfilling the requirement of the Constitution in relation to the Journals, that they be published. A written document, open to the inspection of all citizens, is as clearly a publication as though it were a printed document open alike to inspection. The extract from the record is now as it then would be, attested by the Secretary from the written record.

*Sixth*, As the Comptroller cannot go behind the audit of the officers of either House, where errors sometimes occur despite the greatest care, your committee recommend that a *joint committee on legislative expenses* be raised, to examine every account for legislative expenses, and that the account, after being so audited, be approved by the President or Speaker, as the case may be, if he find it correct.

*Seventh*, Provide that the census of 1855 be taken by the Assessors of the various counties, embracing merely the constitutional requirement of enumeration of the inhabitants, and that it be done at a nominal rate per head.

The enormous amount of annual expenditures now provided by law and usage, contrasted with the position of the finances of the State, has induced your committee to go more thoroughly than they would otherwise have done, into recommendations for reform in our public expenditures. Unless the experience of the past be

lies the future, these recommendations will receive little attention from the Legislature or from the people. By and by, however, when a continuous *funding system* will have saddled upon the people a rate of taxation of European character, and that too *merely to pay interest*, without one or scarcely one visible monument of value in return: there will, when too late, be some waking up from this prosperous dream. Not a building save the Insane Asylum and the Prison—not a place where a State officer can leave a paper with safety, belongs to the State.

After an expenditure of more than three millions of dollars, and after *seven removals of the archives of State*, they are subject to be burned or stolen by any one sufficiently industrious to take the trouble.

All of which is respectfully submitted.

(Signed)

WM. H. LYONS, Chairman.

PAUL K. HUBBS,

M. M. WOMBOUGH,

JOHN Y. LIND,

Senate Com. on Pub. Expenditures.

PHIL. T. HERBERT,

Com. of the Assembly.

BENICIA, October 31, 1853.





# APPENDIX "A."

Dr.

*Cash Receipts, July 1st, 1851, to April 1st, 1852, into State Treasury.*

1851.

Cr.

1851.					
Aug. 18.	El Dorado county,	381 17	Sept. 15.	Paid to Sacramento State Hospital,	4,680 66
21.	Tuolumne county,	315 40		Divers dates paid Sacramento and Stockton	
Sept. 9.	Santa Cruz county,	817 67		State Hospitals to March, 1852, inclusive,	9,258 62
15.	Sacramento county,	4,680 66	Sept. 20.	Paid Stockton State Hospital,	1,017 32
15.	San Francisco county,	4 65	Nov. 8. and 19.	Judge Hester,	1,500 00
15.	" city,	29 25	11.	Richard Roman,	1,168 00
20.	San Joaquin county,	1,017 32	19.	Paid Richard Roman,	200 00
Nov. 8.	Santa Clara county,	500 00	11.	to 19. E. D. Hammond, Clerk to Treasurer,	
11.	El Dorado county,	1,850 00		1,314 50, 400, 100,	
19.	San Francisco county,	30,000 00	Nov.	11. J. S. Houston, 600, 2,000,	1,814 50
				11. W. M. Smith, Clerk to Comptroller, 600, 100,	2,600 00
Nov. 28.	Contra Costa county,	1,750 00		19. R. Roman, to pay interest,	700 00
29.	Sacramento county,	14,600 00		19. For Gold Scales and Wood,	9,000 00
				19. E. Buckingham, Treasurer S. F. Co.,	265 63
				19. John C. Hays,	7,476 00
				19. T. W. Sutherland,	2,130 00
				19. E. W. Thorp,	1,065 00
				19. J. W. Pierce,	1,043 35
				19. A. G. Kemble, Clerk to Secretary of State,	1,250 00
				28. Richard Roman,	3,008 00
				28. Judge Hester,	1,000 00
				29. E. D. Hammond,	375 00
				29. J. S. Houston,	300 00
				29. Lewis B. Harris, Sac.,	2,000 00
				29. Jacob Lefebvre,	12,121 18
					12 00

# APPENDIX "A."—CONTINUED.

Dr.

Cr.

1851.

1851.

Dec.				Dec.			
1.	Santa Clara county, per J. Murphy,	5,000	00	1.	John Murphy, 2,120, 2,000,	4,120	00
9.	Yuba county,	48	82	1.	Carriere & Abano,	200	00
10.	Solano county,	2,718	50	1.	Jacob Lefebvre,	12	00
15.	Contra Costa county,	5,011	40	1.	Wainwright, Byrne & Co.,	131	50
15.	Nevada county,	6,626	00	1.	C. J. Whiting,	400	00
15.	Contra Costa county,	2,280	89	1.	E. D. Hammond, 350, 131,	481	00
17.	Sacramento county,	3,000	00	10.	E. D. Hammond,	500	00
18.	Placer county,	3,518	66	10.	W. M. Smith,	700	00
18.	Marin county,	4,402	03	10.	W. Van Voorhies,	500	00
19.	Butte county,	2,549	30	15.	Joseph Winston, Solano,	1,120	00
19.	Slasta county,	3,338	43	15.	" "	3,061	79
19.	Monterey county,	7,108	37	15.	John E. Addison,	2,476	00
19.	El Dorado county,	3,991	84	15.	W. Van Voorhies,	1,150	00
				15.	E. D. Hammond,	246	00
				15.	W. M. Smith,	1,926	00
				15.	J. F. Howe,	143	80
				15.	B. F. Pinkham,	515	00
				18.	W. M. Smith,	260	00
				18.	A. G. Kimble,	1,240	00
				19.	" "	3,050	00
				20.	" "	3,033	00
				18.	John E. Addison,	451	10
				18.	G. K. Fitch, 2,410 10		
				10.	" " 2,200, 375,	4,885	10

# APPENDIX "A."—CONTINUED

Dr.

Cr.

1851.

1851.

		10. W. M. Smith, 2,284, 98 and 1,533,	3,817 98
		10. J. S. Houston,	875 00
		10. W. M. Smith,	47 50
		15, 18 and 20. B. Chapman, three payments,	482 79
		19. T. J. M. Smith, two payments,	896 00
		19. W. S. Sherwood,	500 00
		19. John E. Addison,	1,300 00
		20. " "	1,280 39
		20. Souris fans,	70 00
Dec. 25. Yuba county,	7,531 54	26. E. D. Hammond,	300 00
25. Sutter county,	1,000 00	25. W. M. Smith,	1,260 00
29. El Dorado county,	160 00	26. W. Van Voorhies,	250 00
		24. B. F. Pinkham,	500 00
		25. " "	500 00
		24. John Reddick,	8 00
		25. J. Perry, jr.,	2,950 00
		31. J. S. Houston,	48 00
		29. W. M. Smith,	160 00
	445 50	28. Thomas Addis,	51 00
Jan. 2. San Joaquin county,	7,085 56	28. Bassham & Wilson.	16 00
2. Santa Cruz county,	8,961 86	15. V. Staley,	119 00
2. San Joaquin county,	25,203 57	29. H. P. Dorsey,	21 00
5. San Francisco county,	2,501 60	Jan. 3. Richard Roman,	500 00
7. Yolo county,		" 6.	1,000 00

1852.

Jan. 2. San Joaquin county,  
2. Santa Cruz county,  
2. San Joaquin county,  
5. San Francisco county,  
7. Yolo county,

Dr.

Cr.

1852.

1852.

Jan. 23. Napa county,	4,790 70	Jan. 10. Richard Roman, paid E. D. Hammond,	250 00
24. San Francisco county,	8 34	8. E. D. Hammond,	140 00
26. Los Angeles county,	9,893 32	3. J. S. Houston,	1,387 60
26. Santa Barbara county,	2,450 00	6. " "	1,200 00
26. Fund Commissioners, San Francisco,	1,000 00	10. " "	153 00
26. San Diego,	1,296 00	2. W. M. Smith,	100 00
		8. " "	3,090 00
		6. " "	5,675 00
		8. " "	860 95
		5. C. E. Buckingham,	4,000 00
		6. and 8. J. Perry, two payments,	4,957 17
		1. Frank Perry,	5 00
		1. Jacob Lefebre,	6 00
		1. S. B. Farwell,	1,400 00
		1. W. T. Barbour, three payments,	2,303 00
		6. " "	839 00
		3. Moulthrop, 1,800 }	4,201 00
		3. H. T. Boeram, 2,401 }	575 00
		3. Joshua Smith,	6 00
		3. John Cook, interest fund,	45 20
		8. Eli Jones,	5 00
		9. Ham & Flourney,	9 00
		10. John R. Wilson,	9 50



## APPENDIX "A."—CONTINUED.

Dr

1852.		1852.		Cr.
		Jan. 24	E. D. Hammond,	102 00
		24.	W. M. Smith,	2,030 00
		24.	A. G. Kemble,	1,496 00
		23.	R. A. Eades,	15 00
Feb. 11.	Sacramento county,	Feb. 13.	Richard Roman,	500 00
11.	Santa Clara county,	13.	W. M. Smith,	6,200 00
17.	Colusa county,	13.	W. Van Voorhies,	750 00
21.	Tuolumne county,	13.	John McDougal,	1,220 00
23.	Yuba county,	14.	F. Foreman,	393 00
26.	Selano county,	17.	S. B. Farwell,	591 04
Mar. 1.	Sonoma county,	27.	H. A. Lyons,	250 00
	Nothing more received from March 1st to April 1st, 1852.	27.	W. R. Hopkins,	20 00
	Total received from January 1st to April 1st, 1852,	27.	W. W. Gift, freight, legislative order,	616 50
		13.	E. Cevington,	145 00
			From February 13th to March 2d, to thirteen members a total of	938 00
			From March 1st to April 1st, under special act, to ninety-three members, average of \$1.55 each member,	14,438 00

The above contains all the entries on the cash book between the date mentioned, in consolidated form

## APPENDIX C.

*The Report of Senate Committee on Public Expenditures, acting with Assembly Committee in the examination of accounts and vouchers of Comptroller and Treasurer of State, October 31, 1853.*

TESTIMONY OF G. K. FITCH, AUGUST 2, 1853.

*Question.*—Were you appointed State Printer by Governor McDougal, and if so, when?

*Answer.*—I was appointed State Printer by Governor McDougal, on the 2d of May, 1851.

*Ques.*—Did you cause to be printed, the "Laws and Journals" of the session of 1851, in book form, in accordance with the law directing the manner of printing the same?

*Ans.*—I caused the "Laws and Journals" for 1851 to be printed in accordance with the directions of the Secretary of State and the Constitution of California. There was no law or statute especially directing the manner of printing the "Laws and Journals" of the session of 1851.

*Ques.*—Where was the printing done?

*Ans.*—In New York.

*Ques.*—What disposition did you make with the volumes so printed?

*Ans.*—I delivered them to Eugene Casserly. The Secretary of State refused to receive them from me, in consequence of a decision of the Supreme Court, declaring my appointment null and void, and sustaining the validity of the election of said Casserly to the office of State Printer.

*Ques.*—Did you, on the order of Eugene Casserly, make any printed alterations; if so, what were they?

*Ans.*—At the request of Casserly, I had the title page of the Laws and Journals so altered, that his name appeared thereon as State Printer instead of my own. I also supplied an "errata" to be inserted in each volume of the Laws.

*Ques.*—Are the Laws and Journals before spoken of, the same that were delivered by Eugene Casserly to the Secretary of State, and which are now in general use?

*Ans.*—Yes.

*Ques.*—When you undertook to print the Laws and Journals, what was your understanding of the law in respect to printing done out of the State?

*Ans.*—It was my opinion when I first investigated the subject, that the law referred to, applied only to the Laws and Journals of 1850, and could not affect the printing of any subsequent year. At the time of my appointment, however, before making this investigation, it was my impression that a law remained in force, requiring a reduction of fifty per cent. on the statute price, for any printing done out of the State, and allowing the State Printer to charge for transportation of books, &c., should he avail himself of the privileges of the law. With this understanding I accepted the office; and such also being the understanding of Gov. McDougal, I felt bound to make out my bill accordingly; which would have been my course had I retained the office till the Laws and Journals were delivered to the State officers.

*Ques.*—What amount of money did you receive from Eugene Casserly in pay-

ment for the printed Laws and Journals, by you delivered to him : and how many of the Statutes and how many of the Journals did you so deliver ?

*Ans.*—As near as I can recollect, I received from Casserly \$22,000, in Comptroller's warrants ; varying, perhaps, a few hundred dollars from that amount. I think the number of Statutes delivered was 1050, and 750 Journals.

Subscribed and sworn to before me, this 3d day of August, 1853.

WILLIAM H. LYONS,  
Chairman Committee

Document, No. 8.

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IN THE ASSEMBLY.]

[SESSION OF 1854.]

# REPORT

OF

## COMMITTEE ON AGRICULTURE,

RELATIVE TO THE

INCORPORATION OF THE AGRICULTURAL SOCIETY.

[GEORGE KERR, STATE PRINTER.]

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## REPORT OF COMMITTEE ON AGRICULTURE.

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*Mr. Speaker :*

The Committee on Agriculture to which was referred a Bill, to "incorporate a State Agricultural Society," have had the same under consideration, and beg leave to report :

Your committee, appreciating the vast importance of the subject, would be wanting in the discharge of a high and imperious duty to the State and the people, were it to permit the occasion to pass, without making use of it, to commend the subject to the earnest and favorable consideration of the House.

This is not merely a Bill to create an incorporate society whose influence only affect those immediately interested, and has no bearing upon the State, or upon the great masses of the people—but it is a bill, the provisions of which will act upon every interest, affect all classes of our citizens and touch with electric power every branch of industry throughout the entire State.

Four years ago the agricultural resources of this State, were comparatively unknown. Prior to that time, so little attention had been given to the subject, that much of the soil which experience has demonstrated to be highly productive, was deemed almost valueless. A crude and miserable process of agriculture had induced the impression that but a limited portion of our soil would justify cultivation, without irrigation, and consequently immense tracts of our highlands and mountain slopes, were regarded as fit only for pastoral purposes. This error has given way before the speeding plow, and it is now found that the cultivation of those lands in grain, will yield as rich returns as the cultivation of the valley lands, and instead of the agricultural resources of the country being circumscribed, and confined to a few vallies, limited in extent, and requiring irrigation, highlands and mountain sides are found to be equally productive, and valuable.

It is a pleasant and cheering picture, to see hundreds of pleasant homes and wide spreading fields laden with rich abundant harvest, on lands which but a few years ago were deemed almost unfit for cultivation.

Thus, has the experience of a very brief period of time demonstrated the great fact, that the agricultural resources of California are vast and almost incalculable—not only capable of abundantly supplying the millions destined

to inhabit the great Pacific empire now springing up with magic rapidity, with all of the necessities and luxuries grown in the most favored regions of the world, but of producing a large surplus for external commerce.

It is conceded that agriculture is the basis of the wealth, and prosperity of all civilized nations, and that the condition of agriculture in a country, furnishes a true and unerring index of its moral, mental, and scientific progress. It is indeed impossible in the nature of things, for a people, or a nation to attain any degree of eminence without pursuing an enlightened system of agriculture.

Advanced agriculture and its kindred branches of horticulture and floriculture are pursuits peculiar alone to civilized life. The barbarian never plants a tree, nor flower: his coarser taste has no appreciation of the value and magnificence of the one, nor the beauty of the other. These pursuits, congenial alone to the cultivated man, constitute the foundation upon which the social system rests, and bind the citizen to his country by the strongest of all ties.

Give men land to own, to cultivate: let them adorn and surround their homes with the comforts, and the various forms of beauty which result from advanced and scientific agriculture, and you build up in the country fortresses more impregnable than can be devised in any other way.

Then to protect, to foster and encourage by every legitimate means this vast department of industry, appears to your committee, to be one of first and most imperative duties of the Legislature of this State. California in its relations to agriculture, is a peculiarly interesting country.

We are now in our infancy. We have the lights of experience to guide us; we are cognizant of the fatal errors other States and other people have committed; we see and know how to avoid those errors. Then, let us while we have a virgin soil, unparalleled in variety and richness of production, at once introduce a system of agriculture which will secure to us and to the State the highest degree of prosperity for the time being, and enable us to transmit—unimpaired by our negligence or folly—the great advantages which we now enjoy, to those who will succeed us. Let us establish a system which experience has demonstrated to be productive of the most beneficent results in other States, and lay now, the sure and enduring foundations of future prosperity and greatness.

It is believed by those well informed on this subject, that the immense sum of twenty-five millions of dollars is annually employed in the import provision trade of California.

Is it not important to arrest this vast drain upon the country? We have also reliable information that within the past year there has been imported more than half a million barrels of flour, making from five to ten millions of dollars for this single article. The latter sum will now, and hereafter, in all probability, be retained in the country, as the home production will fully supply the home demand.

Now in view of the general importance of the subject, other States are moving in the matter, and stretching forth the hand of encouragement and protection; why should not California do so likewise?

A much greater necessity exist here than in other States.

At present our staples consist of very limited variety, and of these a surplus will soon be produced, hence the vast importance—the overruling

necessity of encouraging the cultivation of new products, and before the extensive cultivation of new products can be with prudence engaged in, experiments must demonstrate the adaptation of our soil and climate to their production. It must be ascertained that such new products can be successfully and profitably cultivated. Your committee believe that the surest and speediest mode of attaining the great ends in view, is the immediate organization of a State Agricultural Society, with liberal appropriations for its support. This appropriation is not asked for merely to support an institution as such, but to enable it to perform duties, the accomplishment of which shall give back to the State, the richest returns—to build up, make permanent and perpetuate the most vital interests of the State—to open those fountains from which issue streams that will refresh forever the hills and valleys of this “bright land.” This interest is receiving liberal encouragement in other States, and California now presents features in agriculture, that shall, if properly regarded, be as momentous as any the world ever saw. Our vast tule lands can be reclaimed, and fields of rice, cotton and tobacco can be made to flourish and add their untold value to the wealth of our people and State. Tea, coffee and sugar will also be numbered among the rich products of California, if that wise care so much needed, be given to nourish the germ which is now in embryo.

The opening of China and Japan reveals sources of wealth in the forms of new and varied productions of the Celestial world; and shall California avail itself of these offerings that progress holds out to us?

The sheep and the goat can feed upon our thousand hills, yielding their fleeces for our manufactories. Our sunny slopes will be adorned by fruitful vineyards, and beautified by groves of the mulberry, affording food for the worm that shall clothe our people with the costly silks that now draw our treasures to other nations. The people, too, of the Celestial kingdom will bring their knowledge, both of agriculture—of which they possess vast stores—and of the manufacturing of those costly fabrics, adding all these to our own sources of wealth.

To accomplish these great objects, a stimulus must be given; the State must extend the hand of encouragement and protection. We therefore recommend the establishment of a “State Board of Agriculture,” and the passage of the Bill referred to us, providing for the Incorporation of a State Agricultural Society,” with liberal appropriations in land and money for its support.

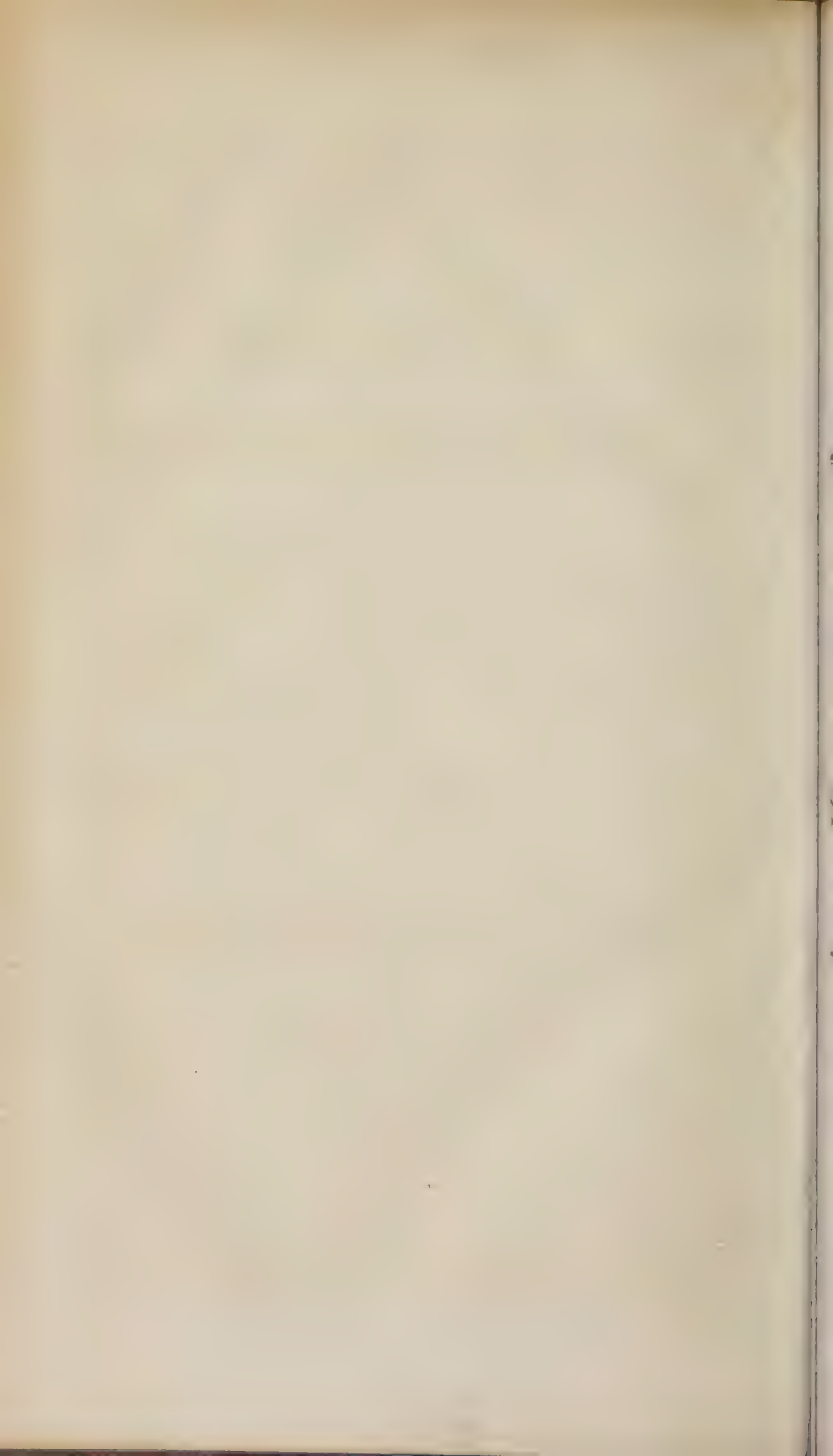
All of which is respectfully submitted by order of the Committee.

W. S. LETCHER.









Document No. 9.

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IN THE ASSEMBLY.]

[SESSION 1854.

REPORT OF COMMITTEE

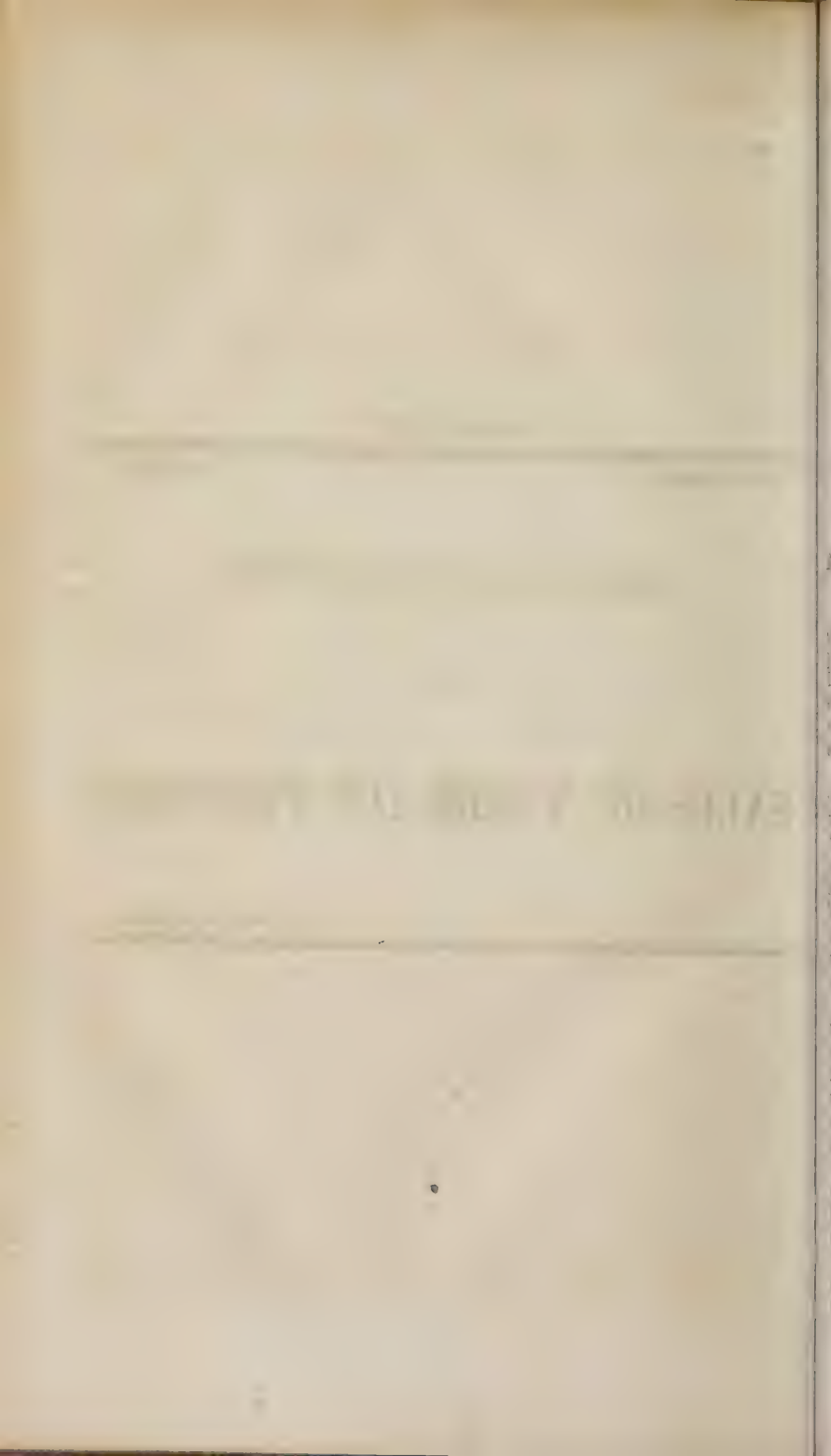
ON

SALES OF WATER LOT PROPERTY.

[B. B. REDDING, STATE PRINTER.

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## REPORT OF COMMITTEE.

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*Mr. Speaker:*

The Special Committee, appointed "to take into consideration the communication of the Treasurer of the State to ascertain the amount of property sold by the City of San Francisco under the Act of March 26, 1851, and to ascertain the amount of such sales to which the State is entitled to 25 per cent.," and "also the amount otherwise disposed of under the provisions of said Act," have had the same under consideration and beg leave to make the following report:

Before giving a statement of the different sales, which have been made of Beach and Water lot property, under the provisions of said Act, by the City of San Francisco and other parties, we would say that to comply fully with the requisitions of the resolution, under which we were appointed, demands more time than we, with other duties claiming our attention, could possibly appropriate exclusively to this subject; but being sensible of the magnitude of the interests entrusted to our care, we have labored assiduously to a correct completion of our task, and most respectfully recommend to the consideration of the Assembly the following estimates of sales of Beach and Water lot property.

That the amount of Beach and Water Lot Property sold by Peter Smith, on different executions against the City of San Francisco, included within the present water front, since the passage of the Law of March 26, 1851, amounts, as appears from schedule A, herewith submitted, to the sum of fifty-eight thousand, eight hundred and sixty-five dollars, exclusive of property sold under same judgment on the 30th January, 1852, and which is claimed by the city by redemption.

That the amount of Beach and Water Lot Property, sold by others on different executions against the City, as appears from schedule B, herewith submitted, amounts to the sum of eleven thousand and eighty-nine dollars.

That the sum realized to the City of San Francisco, by the sale of the above property, amounts to sixty-nine thousand nine hundred and fifty-four dollars.

That the sales of property made by the Fund Commissioners, amounts to the sum of one hundred and nineteen thousand, four hundred and forty dollars, as appears by reference to schedule C.

That the sales of property made by the Joint Committee on Land Claims, appointed by the Common Council of the City of San Francisco, under an ordinance approved December 5th, 1853, amounts to the sum of one million, one hundred and ninety-three thousand, seven hundred and fifty dollars, which will appear by reference to schedule D, hereto annexed, that the sum of five hundred and twelve thousand, four hundred and eighty-eight dollars and sixty-seven cents, has been received by the Committee from purchasers, on account of payments, leaving a balance due from said sales of six hundred and eighty-one thousand, two hundred and sixty-one dollars, and thirty-three cents. The chairman of said Joint Committee further adds, that deeds were made by purchasers of portions of said property and delivered to them, amounting to the sum of three hundred and thirty-seven thousand, three hundred and eighteen dollars and forty-eight cents; but that property, amounting to three hundred and twenty-three thousand, nine hundred and forty-two dollars and eighty-five cents, was sold; for which the City has no security, and which will probably never be called for, but remain in the same condition, as if the same had never been offered for sale. Thus it will be seen that property, in which the State of California is interested has been disposed of to the amount of:—

By Peter Smith Judgments,	.	.	.	\$58,865
Other Judgments,	.	.	.	11,089
Joint Land Committee,	.	.	.	1,193,750
Fund Commissioners,	.	.	.	119,440
				<hr/>
				\$1,353,144

In addition to the above, your Committee would further report, that on the 30th January, 1852, a large amount of Beach and Water Lot Property was sold under a judgment rendered against said City of San Francisco, in favor of Peter Smith, for three thousand, five hundred and sixty dollars, which said property, so sold, is specified in schedule E, hereto annexed: that said property was sought to be recovered by redemption, by the City of San Francisco, subsequent to said sale, but that your Committee are advised, (medically) that the Supreme Court have decided against the claim of the redemptionists.

That the amount of property sold, and the manner of such sale, as well as the amount due the State of California is set forth, in schedule G, hereto annexed.

That the entire sum of money paid into the State Treasury by the City of San Francisco, under the Act of 26th March, 1851, amounts to the sum of seventy-eight thousand, five hundred and sixty-seven dollars and ninety-five cents.

That the sum of five thousand one hundred and sixty dollars and fifty cents has been paid into the State Treasurer at different times, by purchasers under judgments against the City of San Francisco, in favor of Peter Smith and others, but that there is no evidence before the Com-

mittee going to show that they were authorized by the City to make such payments, and in the opinion of the Committee, the said payments were made without any authority of law, and hence no rights were vested or created in consequence of such payments.

Your Committee, although not required by the Resolution under which they are acting, to report upon those matters which do not effect the disposition of the Beach and Water Lot Property, under the act of March 26, 1851, yet will refer incidentally to those sales which have been made by the Board of California Land Commissioners.

From a report made by the State Treasurer, it seems that property to the amount of seven hundred and nine thousand four hundred and seventy-five dollars has been disposed of at public sale; that on the 3d April, 1854, at which time said report was made out, the sum of two hundred and thirty four thousand nine hundred and five dollars and eighteen cents had been paid in to the State Treasurer, said sum being exclusive of the payments made in States Prison Bonds.

That the sum of ninety-two thousand dollars in State Prison Bonds, was received on account of said sales, making in all the sum of three hundred and twenty-six thousand nine hundred and five dollars and eighteen cents.

That there has been paid to the Fund Commissioners, by the lessees of the California and Market Street Wharf, the sum of \$11,936 69; by the lessees of Broadway Wharf, \$3,222 74; and by the lessees of Pacific Street Wharf, the sum of \$16,159 56, making in the aggregate \$31,318 99.

That the sum of seven thousand six hundred and eighty-five dollars has been received by the Comptroller of the City of San Francisco for the rent of certain other wharves, and which is more particularly set forth in schedule G hereto annexed.

By reference to the report of the Joint Committee on Land Claims, (see schedule D) it will be seen that the sum of five hundred and twelve thousand four hundred and eighty-eight dollars and sixty-seven cents (\$512,488 67) has long since been paid to them, and that notes to the amount of one hundred and fifty-one thousand and forty-three dollars and forty-eight cents, (\$151,043 48) matured on the 28th Feb., 1854; and also four month notes falling due on the 27th April, 1854, for the sum of one hundred and eighty-six thousand two hundred and seventy-five dollars, (\$186,275 00), which if paid at the time they fall due would show in the hands of the Joint Committee the sum of eight hundred and forty nine thousand eight hundred and seven dollars and fifteen cents (\$849,807 15) of which sum the State is entitled to two hundred and twelve thousand four hundred and fifty-one dollars and seventy-eight cents, (\$212,451 78), (less the amount heretofore paid,) that being twenty-five per cent. of the receipts arising from sales of the Beach and Water Lot Property.

Until the time shall have expired for the purchasers to make their final settlements, according to the terms of sale it will be impossible for this Committee to report the precise amount the State is entitled to, as a large amount of property will, no doubt, remain uncalled for, and must be resold, but as near as can be ascertained, a balance of one hundred and sixty-three thousand seven hundred and forty-three dollars and



eighty-four cents, (\$163,743 84) is shown to exist in favor of the State from San Francisco.

Your Committee make up the amount as follows:

Payments made as per schedule D.....	\$512,488 67
Notes which became due 28th February, 1854,...	151,043 48
Notes which became due 27th April, 1854,.....	186,275 00
Sales made by Fund Commissioners,.....	119,440 00
	<hr/>
	\$969,247 15

Of which sum the State is entitled to twenty-five per cent.

amounting to.....	\$242,311 78
Deduct payment heretofore made,.....	78,567 95
	<hr/>

Balance due the State from San Francisco.....\$163,743 83

As has been already remarked we have not had sufficient time to devote to this subject, which its importance demands, and with increased powers we respectfully ask leave to sit again. We therefore submit the following resolution for your approval:

*Resolved*, That the Special Committee appointed "to take into consideration the communication of the Treasurer of the State, to ascertain the amount of property sold by the City of San Francisco under the act of March 26th, 1851, and to ascertain the amount of such sales to which the State is entitled to twenty-five per cent.;" and "also the amount otherwise disposed of under the provisions of said act," have power to send for persons and papers, and to take testimony.

J. C. JONES, Chairman,  
F. A. PARK,  
GEO. H. VAN CLEFT,  
JOHN J. HOFF.

### SCHEDULE A.

Water Lot, Number 20, for.....	\$105 00
" " " 21, for.....	60 00
" " " 22, for.....	55 00
" " " 23, for.....	55 00
" " " 25, for.....	135 00
" " " 27, for.....	65 00
" " " 28, for.....	90 00
" " " 29, for.....	85 00
" " " 30, for.....	250 00

## SCHEDULE A.—CONTINUED.

Water Lot, Number	31, for.....	620 00
" " "	32, for.....	350 00
" " "	33, for.....	290 00
" " "	34, for.....	70 00
" " "	35, for.....	125 00
" " "	36, for.....	75 00
" " "	37, for.....	355 00
" " "	38, for.....	210 00
" " "	39, for.....	260 00
" " "	64, for.....	100 00
" " "	65, for.....	210 00
" " "	66, for.....	60 00
" " "	67, for.....	50 00
" " "	68, for.....	115 00
" " "	69, for.....	180 00
" " "	71, for.....	185 00
" " "	72, for.....	210 00
" " "	73, for.....	205 00
" " "	74, for.....	50 00
" " "	75, for.....	80 00
" " "	78, for.....	55 00
" " "	89, for.....	65 00
" " "	90, for.....	210 00
" " "	91, for.....	230 00
" " "	92, for.....	230 00
" " "	94, for.....	105 00
" " "	95, for.....	50 00
" " "	96, for.....	125 00
" " "	97, for.....	50 00
" " "	98, for.....	90 00
" " "	99, for.....	120 00
" " "	100, for.....	110 00
" " "	101, for.....	50 00
" " "	102, for.....	85 00
" " "	103, for.....	110 00
" " "	104, for.....	90 00
" " "	105, for.....	95 00
" " "	106, for.....	105 00
" " "	107, for.....	95 00
" " "	108, for.....	105 00
" " "	109, for.....	85 00
" " "	110, for.....	110 00
" " "	111, for.....	90 00
" " "	273, for.....	510 00
" " "	294, for.....	625 00
" " "	301, for.....	315 00
" " "	312, for.....	510 00
" " "	313, for.....	490 00

## SCHEDULE A.—CONTINUED.

Water Lot, Number 315, for.....	655 00
“ “ “ 316, for.....	550 00
“ “ “ 319, for.....	610 00
“ “ “ 320, for.....	535 00
“ “ “ 321, for.....	200 00
“ “ “ 322, for.....	310 00
“ “ “ 326, for.....	560 00
“ “ “ 352, for.....	310 00
“ “ “ 371, for.....	300 00
“ “ “ 372, for.....	240 00
“ “ “ 309, for.....	225 00
“ “ “ 420, for.....	255 00
“ “ “ 421, for.....	215 00
“ “ “ 422, for.....	505 00
“ “ “ 424, for.....	240 00
“ “ “ 457, for.....	250 00
“ “ “ 459, for.....	630 00
“ “ “ 463, for.....	150 00
“ “ “ 505, for.....	410 00
“ “ “ 506, for.....	940 00
“ “ “ 507, for.....	500 00
“ “ “ 508, for.....	1,025 00
“ “ “ 509, for.....	900 00
“ “ “ 510, for.....	300 00
“ “ “ 511, for.....	850 00
“ “ “ 514, for.....	1,265 00
“ “ “ 515, for.....	1,305 00
“ “ “ 516, for.....	1,020 00
“ “ “ 517, for.....	1,190 00
“ “ “ 534, for.....	320 00
“ “ “ 580, for.....	970 00
“ “ “ 588, for.....	1,375 00
“ “ “ 606, for.....	725 00
“ “ “ 618, for.....	670 00
“ “ “ 678, for.....	510 00
“ “ “ 679, for.....	510 00
“ “ “ 682, for.....	405 00
“ “ “ 687, for.....	400 00
“ “ “ 688, for.....	370 00
“ “ “ 689, for.....	370 00
“ “ “ 690, for.....	330 00
“ “ “ 721, for.....	260 00
“ “ “ 724, for.....	285 00
“ “ “ 726, for.....	285 00
“ “ “ 731, for.....	360 00
“ “ “ 767, for.....	380 00

## SCHEDULE A.—CONTINUED.

Water Lot, Number 770, for.....	\$215 00
“ “ “ 772, for.....	335 00
	<hr/>
	\$35,130 00

*Water Blocks in Southern portion of City of San Francisco.*

Amount brought forward,.....	\$35,130 00
Block No. 1,.....	1,250 00
“ 2,.....	920 00
“ 4,.....	480 00
“ 5,.....	640 00
“ 6,.....	600 00
“ 7,.....	600 00
“ 8,.....	610 00
“ 9,.....	2,700 00
“ 10,.....	825 00
“ 13,.....	100 00
“ 14,.....	100 00
“ 15,.....	80 00
“ 16,.....	130 00
“ 17,.....	125 00
“ 18,.....	160 00
“ 19,.....	130 00
“ 20,.....	145 00
“ 21,.....	140 00
“ 22,.....	200 00
“ 23,.....	145 00
“ 24,.....	65 00
“ 26,.....	75 00
“ 27,.....	150 00
“ 28,.....	135 00
“ 29,.....	130 00
“ 30,.....	60 00
“ 31,.....	50 00
	<hr/>
	\$45,865 00

All that fractional tract of ground covered with water, bounded on the westerly side by a line 100 varas east of the eastern line of Davis street, when extended and running parallel to Davis street, on north by Pacific street, on the south by Jackson street, and on the east by the eastern boundary of the beach and water lots of said city, as defined by Legislature for the sum of

2,850 00



## SCHEDULE A.—CONTINUED.

All that tract of ground covered with water, bounded on the west by Davis street, on the north by Jackson street, on the south by Washington street, and on the east by the boundary of the beach and water lots of the aforesaid City, as defined by the Legislature of the State, for the sum of	1,350 00
All that tract of ground covered with water, being 100 varas bounded on the west by Front street, on the east by Davis street, on the north by Jackson street, and on the south by Washington street,	4,000 00
All that tract of ground covered with water, bounded on the north by Sacramento street, on the southeasterly side by Market street, and on the westerly side by the four beach and water lots numbered on the official map of said City from 571 to 574 for	1,750 00
All that tract of ground covered with water, being 100 varas square, bounded on the south side by Pacific street, on the north by Broadway, on the west by Front street, and on the east by the extension of Davis street for	3,050 00
	<hr/> \$58,865 00

## SCHEDULE B.

*Sold on Execution of Morrow vs. City of San Francisco, Aug. 18, 1851.*

That certain tract of land bounded on the easterly side by the extension of Drum street, on the northerly by Pacific street, on the southerly side by Jackson street, and on the westerly side by Davis street, being 100 varas square for	\$3,000 00
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*Sold on Execution of Winter & Latimer vs. City of San Francisco, Sept. 18, 1851.*

Water Lot 229, sold for (Nov. 10, 1851.)	40 00
That tract of land bounded on the westerly side by Drum street, on southerly side by Clay street, and on easterly side by the eastern boundary line of city, as defined by Legislature, for	1,125 00
Also the 100 vara square, bounded on the northerly side by Vallejo street, southerly side by Broadway street, and westerly side by Front street, and on easterly by the extension of Davis street,	1,125 00

## SCHEDULE B.—CONTINUED.

Also Beach and Water Lots No. 290,	930 00
Also Beach and Water Lots No. 291,	1,640 00

*Sold on Execution of Morrison vs. City, Oct. 23, 1851.*

All that piece of ground bounded on the northwesterly side by Harrison street, on the southwesterly side by Spear street, on the southeasterly side by a line 50 varas south of the southerly line of Harrison street, and running parallel to Harrison street in an easterly direction to the water lot boundary, and on the easterly side by the easterly boundary of the beach and water lots as defined by the Legislature, for	450 00
Also 50 vara lot commencing at a point where the southerly line of Folsom street intersects the westerly line of Spear street, thence running southwestwardly on Folsom street, 50 varas, thence southeastwardly at right angles, 50 varas, thence northeastwardly 50 varas to Spear street, thence along the westerly line of Spear street 50 varas to point of beginning	425 00

*Sold on Execution of Morrison vs. City of San Francisco, Oct. 23, 1851.*

Also 40 vara lot commencing at the southeasterly intersection of Folsom and Front streets, thence running southeastwardly on Front street 50 varas, thence northeastwardly 50, thence northwestwardly 50 varas, to Folsom street, thence along the line of Folsom street 50 varas, to place of beginning,	460 00
Also 50 vara lot commencing at a point 50 varas southeastwardly from the southwesterly intersection of Folsom and Spear street, thence running southwestwardly parallel to Folsom street 50 varas, thence southeastwardly 50 varas, thence 50 varas to Spear street, thence along the line of Spear street, northwestwardly 50 varas to beginning,	250 00
That 50 vara lot commencing 50 varas southeastwardly from the southeastwardly intersection of Folsom and Front streets, running northeastwardly parallel to Folsom street 50 varas, thence southeastwardly parallel to Front street 50 varas, thence northeastwardly 50 varas to Front street, thence northwestwardly 50 varas to place of beginning,	150 00
That 50 vara lot commencing at the southwesterly intersection of Folsom and Front streets, running southwestwardly on Folsom street 50 varas, thence southeastwardly 50 varas, thence northeastwardly 50 varas to Front street, thence northwestwardly 50 varas, to beginning,	575 00
That 50 varas lot commencing at the southeasterly intersection of Folsom and Beal streets, running southeastwardly	

## SCHEDULE B.—CONTINUED.

on Beal street 50 varas, thence northeastwardly 50 varas, thence northwestwardly 50 varas to Folsom street, thence southwestwardly along Folsom street 50 varas, to begin- ning,	575 00
Also block number eleven (11) between King and Channel streets, for	270 00
	<hr/>
	\$11,089 00

Sale of City Property by Theodore Payne & Co., at their Sales Room, Sept. 17, 1852, at Public Auction, for cash, by order of the Commissioners of the Funded Debt.

SCHEDULE C.

WATER PROPERTY, NORTH BEACH.

No. 1	LOCATION.		PRICE.	NAMES OF PURCHASERS.	NAME INSERTED IN DEED.	
1	50	Vara Lot No. 1, corner of Larkin and Beach streets,.....	\$100	Henry Meigs, President.		
2	50	" " " " 2, on Beach street,.....	115	Moses Hoyt.	Moses Hoyt.	115
3	50	" " " " 3, corner of Hyde and Beach streets,.....	135	William Smith.	Ex-Governor Wm. Smith.	135
4	50	" " " " 4, " " and Jefferson streets,.....	150	Lambert.	Henry Lambert.	150
5	50	" " " " 5, on Jefferson street,.....	140	do.	do.	140
6	50	" " " " 6, corner of Jefferson and Larkin streets,.....	170	do.	do.	170
10	19	50 " " " 1, corner of Mason and North Point,.....	600	Henry Meigs, President.		
20		2, on North Point street,.....	500	do.		
21		3, N. W. corner Powell and North Point streets,...	800	do.		
22		4, S. W. corner Powell and Beach streets,.....	850	do.		
23		5, on Beach street,.....	600	do.		
24		6, S. E. corner Mason and Beach streets,.....	900	do.		
16	49	1, N. E. corner Mason and Bay streets,.....	950	George C. Potter.	Geo. C. Potter.	950
50		2, on Bay street,.....	900	Henry Meigs, President.		
51		3, N. W. corner Powell and Bay streets,.....	1100	David C. McCarty.	David D. McCarty.	1100
52		4, S. W. corner Powell and North Point streets,...	950	George C. Potter.	Geo. C. Potter.	950
53		5, on North Point street,.....	900	Henry Meigs, President.		
54		6, S. E. corner Mason and North Point streets,...	950	George C. Potter.	Royal H. Waller & H. S. Dodge.	950



SCHEDULE C.—CONTINUED.

*Water Lot Property—South Beach, Subdivided into 100 vava Lots.*

LOCATION.		PRICE. NAMES OF PURCHASERS. NAME INSERTED IN DEED.	
No. 12	61 100	Vara Lot No. 1, corner Bay, Third and Channel streets,.....	1200 J. W. Dwinelle,
	62 100	" " 2, Nos. 1 and 3, and Berry and Channel,.....	1175 do.
	63 100	" " 3, corner Berry, Fourth and Hubbard streets,.....	1175 do.
31	64 100	" " 1, corner Irwin, Simmons and Hubbard streets,.....	450 James Blair.
	65 100	" " 2, between Irwin and Hubbard streets, No. 1 & 3.	400 C. C. Bowman.
	66 100	" " 3, corner Irwin, Harris and Hubbard streets,.....	500 A. Merrill.
33	67 100	" " 1, corner Hubbard, Simons and South streets,.....	500 H. Lambert.
	68 100	" " 2, between Hubbard and South streets, No. 1 & 2.	420 George Gordon.
	69 100	" " 3, corner Hubbard, Harris and South streets,.....	525 do.
			Lewis Peck.
			do.
			do.
			Mrs. M. J. Blair.
			S. Heydenfeldt & S. Bowman.
			Henry Lambert.
			George Gordon.
			do.
			17 155

*Water Lots on the East Front of the City.*

611   70	Low is Peck,
619   71	Geo. Gordon.
	\$7050 4500

SCHEDULE C.—CONTINUED.  
Sale of City Property, Continued—September 20, 1852.

WATER PROPERTY, NORTH BEACH.

No.	LOCATION	PRICE.	NAMES OF PURCHASERS.		NAME INSERTED IN DEED.	
7	50 vara lot, No. 1, N. E. corner Mason and Beach streets,.....	250	Henry Meigs, President			
8	50 " " " 2, on Beach street,.....	270	do.	do.		
9	50 " " " 3, N. W. corner Powell and Beach streets,.....	420	do.	do.		
10	50 " " " 4, S. W. corner Powell and Jefferson streets,.....	750	do.	do.		
11	50 " " " 5, on Jefferson street,.....	500	do.	do.		
12	50 " " " 6, S. E. corner Jefferson and Mason streets,.....	700	do.	do.		
13	50 " " " 1, N. E. corner Jones and North Point streets,.....	210	J. T. McDougal.			240
14	50 " " " 2, North Point street,.....	360	J. Hithenington.			360
15	50 " " " 3, N. W. corner Taylor and North Point streets,...	625	C. G. Carter.			624
16	50 " " " 4, S. W. corner Taylor and Beach streets,.....	675	B. Phillips.			675
17	50 " " " 5, on Beach street,.....	420	do.			420
18	50 " " " 6, S. E. corner Jones and Beach streets,.....	475	do.			475
19	50 " " " 1, N. E. corner Powell and North Point,.....	875	Geo. C. Potter.			875
20	50 " " " 2, on North Point street,.....	650	B. Phillips.			650
21	50 " " " 3, N. W. corner Stockton and North Point,.....	1400	C. G. Carter.			1400
22	50 " " " 4, S. W. corner Stockton and Beach streets,.....	1800	Dr. Merritt.			1800
23	50 " " " 5, on Beach street,.....	1400	George C. Potter.			1400
24	50 " " " 6, S. E. corner Powell and Beach streets,.....	2000	Dr. Merritt.			2000
25	50 " " " 1, N. E. corner Stockton and North Point streets,...	1500	C. H. McClelland.			1950
26	50 " " " 2, on North Point street,.....	975	do.			975
27	50 " " " 3, N. W. corner DuPont street and North Point,...	2125	do.			2125
28	50 " " " 4, S. W. corner DuPont and Beach streets,.....	2825	do.			2825
29	50 " " " 5, on Beach street,.....	1450	do.			1450
30	50 " " " 6, S. W. corner Stockton and Beach streets,.....	5000	Moses Hoyt.			5000
31	50 " " " 1, N. E. corner Jones and Bay streets,.....	1050	Joshua Norton.			1050

SCHEDULE C.—CONTINUED.  
*Sale of City Property, Continued—September 20, 1852.*  
 WATER PROPERTY, NORTH BEACH.

LOCATION.		PRICE.	NAMES OF PURCHASERS.	NAME INSERTED IN DEED.	
38 50	vara lot No. 2, on Bay street,.....	850	Joshua Norton.	Joshua Norton.	850
39 50	" 3, N. W. corner Taylor and Bay streets,.....	1350	B. Richardson.	Benjamin Richardson.	1350
40 50	" 4, S. W. corner Taylor and North Point,.....	900	James Philan.	James and Michael Philan.	900
41 50	" 5, on North Point street,.....	825	B. Richardson.	Benjamin Richardson.	825
42 50	" 6, S. E. corner Jones and North Point,.....	825	Joshua Norton.	Joshua Norton.	825
43 50	" 1, N. E. corner Taylor and Bay streets,.....	675	James Philan.	James and Michael Philan.	675
44 50	" 2, on Bay street,.....	925	Henry P. Hoyt.	Henry P. Hoyt.	925
45 50	" 3, N. W. corner Mason and Bay streets,.....	1200	C. D. Carter.	Charles D. Carter.	1200
46 50	" 4, S. W. corner Mason and North Point streets,.....	1100	William Hester.	William Hester.	1100
47 50	" 5, on North Point street,.....	675	S. H. Bowman.	Joshua Soule Bowman.	675
48 50	" 6, S. E. corner Taylor and North Point streets,.....	1250	T. Schulthers.	John Frederick Schulthers.	1250
49 50	" 1, N. E. corner Powell and Bay streets,.....	1625	G. C. Potter.	S. Merritt, G. C. Potter, H. P. Hoyt.	1625
50 50	" 2, on Bay street,.....	1000	Dr. Gauthier.	Laon P. Gauthier.	1000
51 50	" 3, N. E. corner Stockton and Bay streets,.....	2300	C. D. Carter.	Charles D. Carter.	2300
52 50	" 4, S. W. corner Stockton and North Point streets,.....	2125	William Thompson.	W. Thompson, Jr., S. B. Whipple.	2100
53 50	" 5, on North Point street,.....	1025	D. L. Ross.	Daniel L. Ross.	1025
54 50	" 6, S. E. corner Powell and North Point streets,.....	2450	Dr. Merritt.	S. Merritt, G. C. Potter, H. P. Hoyt.	2450
		50560			

# SCHEDULE C.—CONTINUED WATER PROPERTY, SOUTH BEACH.

November 5, 1852.

1	LOCATION.	PRICE.	NAMES OF PURCHASERS.	NAME INSERTED IN DEED.	
1	100 vara lot, No. 3, in Block corner Irwin, Harris and Hubbard,...	27 1/2	Dr. Hitchcock.	Eliza Hyche Hitchcock.	27 1/2
Sale of City Property, Continued, November 5, 1852.					
302	Eastern side of Beach street, near Market Wharf		M. Reese.	Michael Reese.	4550
811	" " adjoining above.		do.	do.	4300
653	On East street, between Mission and Howard streets.		Nagle.	H. M. Nagle.	7400
654	" " "		Musson.	Eugene Musson.	7350
655	" " "		Pope.	A. J. Pope.	7150
	" " "		Casserty.	Eugene Casserty.	7050
					37,800

January 13, 1852.

Water Lot 534, Lawrence, \$4,000.



## SCHEDULE D.

MAYOR'S OFFICE, SAN FRANCISCO, }  
 March 29, 1854. }

To Special Committee of Assembly—

*Gentlemen:*

I yesterday had the honor to present to you a statement showing that the amount of money bid for the property sold by Selover & Sinton, under order of the joint Committee on Land Claims, as authorized by ordinance of the Common Counsel, approved December 5th, 1853, was

\$1,193,750 00

That there had been received by the Committee, from purchases on account of payments

512,488 67

\$681,261 21

I beg leave now to add for your information that the committee have in their possession, notes of the purchasers, given by them on settlement amounting to

60 day notes matured Feb. 28, \$151,043 48

4 months notes falling due April 27, 186,275 00

337,318 48

That amount will in all probability be collected, although the parties owing may require time.

There then remains unpaid, for which the city has no security, and which property will probably never be called for, but remain in the same condition, as if the same had never been offered for sale, the sum of

343,942 85

In the present state of the money market, and in view of the known great depreciation in the value of real estate, I deem it advisable not to offer at this time the uncalled-for lots at public sale; but shall take occasion to do so when a more prosperous state of the money market shall justify a hope that prices may be obtained, approximating to those received at the last sale.

In the mean time, all efforts shall be employed by me, not only to collect the notes already matured and about to mature, but also to make the parties responsible for the balance due on purchases, on which the first payment alone was made, and for which no notes were given, which sum will amount to, in round numbers, thirty-five thousand dollars, (\$35,000.)

I have the honor to be, gentlemen, very respectfully, your obedient servant,

Signed, C. K. GARRISON, Mayor,  
 and Chairman Joint Committee on Land Claims,  
 by SMYTH CLARK.

## SCHEDULE E.

*The following Water Lot Property was sold under execution of Peter Smith, against City of San Francisco, Jan. 30, 1852, and is claimed by the City by redemption.*

All that piece or parcel of ground, 100 varas square, bounded on the northwestwardly side by Harrison street, on the north easterly side by Front street, on the southeasterly side by Block No. 3, and on the southwesterly side by Beale street.		\$230 00
Also that tract of ground covered with water, 100x50 varas, bounded on the west by Kearney street, north by Francisco street, east by Montgomery street, and south by Chestnut street,		75 00
All that piece or parcel of ground commencing in the northwest corner of Front and Harrison streets, running thence along Front street in a northwesterly direction 150 varas, thence at right angles 100 to Beale street, thence along Beale street, 150 to corner of Beale and Harrison streets, thence in a northeasterly direction, along Harrison street, 100 varas to place of beginning,		220 00
North Beach, block No. 1 sold for.....		125 00
" " " " 2 sold for.....		55 00
" " " " 3 sold for.....		115 00
" " " " 4 sold for.....		110 00
" " " " 5 sold for.....		110 00
" " " " 7 sold for.....		125 00
" " " " 8 sold for.....		85 00
" " " " 9 sold for.....		120 00
" " " " 11 sold for.....		160 00
" " " " 12 sold for.....		305 00
" " " " 13 sold for.....		300 00
" " " " 14 sold for.....		215 00
" " " " 15 sold for.....		220 00
" " " " 17 sold for.....		650 00
" " " " 19 sold for.....		340 00
		<hr/>
		\$3,560 00

## SCHEDULE F.

*Account of Moneys paid in by City of San Francisco on sales of Beach and Water Lots, sold under Act of March 26, 1851.*

1852.					
January	26.—	Cash from Fund Commissioners.....	\$1,000	00	
1853.					
February	1.—	" " " " .....	10,000	00	
March	26.—	" " Hiram Pierson, .....	1,312	50	
April	7.—	" " D. W. Connelly, .....	212	50	
"	8.—	" " Fund Commissioners, .....	7,000	00	
"	29.—	" " " " .....	8,267	95	
May	20.—	" " " " .....	2,300	00	
August	4.—	" " C. W. Grinnell, .....	287	50	
September	1.—	" " H. S. Fitch, per R. H. Sinton, ....	48	75	
"	1.—	" " James King of Wm. ....	127	50	
December	2.—	" " Robert Rankin, .....	452	50	
"	6.—	" " J. W. Leonard, .....	231	50	
"	6.—	" " M. Matison, .....	27	50	
"	6.—	" " H. C. Beals, .....	32	50	
"	13.—	" " Charles Horner, .....	106	25	
"	13.—	" " C. R. Sanders and S. W. Holliday, ..	112	50	
"	13.—	" " S. W. Holliday and D. G. Perkins, ..	37	50	
"	16.—	" " H. D. Cogswell, ....	83	75	
"	24.—	" " LEVI PIERSON, .....	32	50	
"	24.—	" " A. J. Ellis, .....	410	00	
"	24.—	" " J. M. Moss, .....	712	50	
"	29.—	" " Dexter Brigham, Jr. ....	593	00	
1854.					
January	2.—	" " G. W. Kelsey, .....	343	75	
"	14.—	" " Fund Commissioners, .....	50,000	00	
				\$83,728	45

## SCHEDULE G.

	Total amount of Sales.	Amount due the State, be- ing 25 per cent.
Property sold by Joint Committee on Land Claims,	\$1,193,750 00	\$298,437 50
Property sold by Fund Commissioners,	119,440 00	29,860 00
Amount received by Fund Commis- sioners—		
From lessees of California and Market street Wharf,	11,936 69	
From lessees of Broadway Wharf,	3,222 74	
“ “ of Pacific street Wharf,	16,159 56	
	<hr/>	
	\$31,318 99	7,829 74
Amount received by City Comptroller of San Francisco—		
From Washington street Wharf,	2,550 00	
“ Clay street Wharf,	2,525 00	
“ Jackson street Wharf,	1,290 00	
“ Vallejo street Wharf,	620 00	
“ Adams & Co.'s Wharf,	600 00	
“ Wilson's, Flint's Wharf,	100 00	
	<hr/>	
	\$7,685 00	\$1,921 50



## ACCOUNT OF PROPERTY

*Sold in the city of San Francisco by the California Land Commissioners under authority of the Legislature, approved May 18, 1853.*

NO. OF LOT.	WHERE SITUATED.	SIZE OF LOT.	DATE 1853.	PURCHASERS' NAMES.	AMOUNT PAID.	FIRST PAY'T, paper cost.	REMARKS.
64	cor. Jackson & Front,	45 ft. 10 in. by 137 ft.	Sept. 12.	Win. Arrington,	12,350	1,235	
69	cor. Wash. & Front,	"	" 5.	H. E. Switzer,	20,000		
65	On Front street,	"	Oct. 20.	Win. Arrington,	8,100		
66	"	"	"	Win. Heeser,	9,150		
67	"	"	"	Rodgers, Friedman,	8,700		
68	"	"	"	Chas. D. Carter,	9,050		
70	cor. Wash. & Bat.,	"	"	B. Gafferty,	18,500		
71	On Battery street,	"	"	Chas. S. Compton,	9,250		
72	"	"	"	do	9,100		
73	"	"	"	Henry S. Dana,	9,100		
				do	10,400		

Amount of Sales, \$123,800

Amount of expenses audited by the board for which certificates have issued, \$11,603 75  
 1853, Nov. 26. Amount received by State Treasurer, 37,324 33  
 Dated 25th November, 1853.

*Of Board of California Land Commissioners for State Property sold in the City of San Francisco, December 28, 1853, under and by virtue of an Act of the Legislature, approved May 18, 1853.*

## REPORT

NO. OF LOT.	HOW SITUATED.	DIMENSIONS.	DATE, 1853.	TO WHOM SOLD.	AMOUNT PAID.	REMARKS.
19	S. W. cor. Front & Broadway	45 10-12 by 137 6-12	Dec. 28.	H. B. Platt,	12,250	Transferred by purchase to Hyram Joseph,
20	On Front street,	"	"	"	7,000	"
21	"	"	"	"	7,500	"
22	"	"	"	H. C. Worth,	7,750	"
23	"	"	"	"	8,000	"
24	N. W. cor. Front & Pacific,	"	"	"	13,750	"
25	N. E. cor. Pacific & Battery,	"	"	C. H. Swain,	19,500	"
26	On Battery,	"	"	H. C. Worth.	12,500	"
27	"	"	"	C. H. Swain,	9,500	"
28	"	"	"	C. H. Swain,	10,000	"
29	"	"	"	J. H. Ray,	8,000	"
30	S. E. cor. Battery & Broadway,	"	"	"	6,900	"
1	S. W. cor. Broadway & Davis	"	"	Chas. Wood,	12,750	"
2	On Davis street.	"	"	Geo. Reed,	8,600	"
3	"	"	"	C. H. Stanton,	8,500	"
4	"	"	"	"	8,750	"
5	"	"	"	T. Place,	9,250	"
6	N. W. cor. Davis & Pacific,	"	"	"	14,500	"
7	N. E. cor. Pacific & Front,	"	"	Chas. Wood,	14,200	"
8	On Front street,	"	"	H. C. Worth,	8,750	"
9	"	"	"	T. Place,	9,250	"
10	"	"	"	H. C. Perry,	9,400	"
11	"	"	"	"	9,600	"
12	S. E. cor. Broadway & Front,	"	"	"	12,200	"
33	On Battery street,	"	"	D. C. Broderick,	650	"
34	"	"	"	H. C. Worth,	1,375	"

## REPORT CONTINUED:

NO. OF LOT.	HOW SITUATED.	DIMENSIONS.	DATE 1853.	TO WHOM SOLD.	AMOUNT SALE.	REMARKS.
35	On Battery street.	45 10-12 by 137 6-12	Dec. 28.	H. B. Platt,	4,250	Transferred by purchase to Hyam Joseph, lot 75 not by W. H. White not Oct. 20, 53, for \$20,000, falling to comply with terms of sale was resold on his acct. and said has been ordered to recover deficiency.
36	N. W. cor. Battery & Pacific	"	"	"	13,100	
75	S. E. cor. Jackson & Battery	"	"	Chas. S. Castle,	12,250	
1	N. E. cor. Front & Washington	by 60	"	John A. Monroe,	4,250	Transferred by purchaser to S. Heydenfeldt,
2	On Front street,	30 ft. by 60	"	Bowman,	4,000	
3	"	20 ft. by 60	"	W. H. Middleton,	2,600	
4	"	"	"	"	3,000	"
5	S. E. cor. Front & Oregon,	"	"	"	3,200	
6	On Oregon street,	30 ft. by 55	"	Bowman,	2,200	
7	"	22 ft. by 55	"	John Rockfort,	1,600	"
8	"	"	"	W. H. Talmadge,	1,500	
9	"	"	"	"	1,800	
10	"	"	"	H. Casement,	1,650	"
11	"	"	"	"	1,600	
12	S. E. cor. Davis & Oregon,	24 ft. by 75	"	"	4,350	
13	On Davis Street,	"	"	Capt. Roberts,	3,500	"
14	"	"	"	Bowman,	3,500	
15	"	"	"	W. H. Talmadge,	3,400	
16	N. E. cor. Davis & Washington	"	"	"	5,500	"
17	On Washington,	22 ft. by 65	"	"	3,900	
18	"	"	"	"	2,750	
19	"	"	"	H. Casement,	3,000	"
20	"	36	"	Bowman,	4,750	
21	"	18	"	S. C. Hastings,	2,700	
22	"	20	"	John A. Monroe,	3,100	

Total amount of sales, \$350,475

Amount received on above sales, as per receipt Richard Roman, Treasurer of State, on file in this office, \$72,622 41  
 Total expenses of this board since report of Nov. 1, ult., to date as per vouchers on file in your office, \$41,193 16.

## LIST

*Of Purchasers and Amount paid by them in Sale of March 9th, and 10th  
1854.*

IN BLOCK BOUNDED BY OREGON, DAVIS AND FRONT STREETS.

LOT	PURCHASERS.	AM'T.	AM'T.
23	Solomon Heydenfelt,	\$1,200	\$215 00
24	J. Neefus,	850	490 00
25	Solomon Heydenfelt,	950	
26	Imene'k Tams & Co.	2,800	280 00
27	Charles E. Bowman,	1,550	
28	" " "	1,350	
29	" " "	1,300	636 00
30	" " "	1,250	
31	R. H. Middleton,	1,350	140 00
32	John Satterlee,	1,900	1,127 25
33	W. H. Tallmadge,	1,550	1,051 00
34	" " "	1,550	
35	" " "	1,700	
36	Henry Casement,	1,600	300 00
37	Eug. Crowell,	4,500	450 00
38	S. C. Hastings,	2,000	
39	" " "	2,000	
40	W. Probasco,	1,850	228 00
41	Pollock,	1,700	
42	" " "	3,000	528 00
43	H. Casement,	1,225	
44	W. H. Tallmadge,	1,125	
45	" " "	1,050	
46	" " "	900	
47	John Satterlee	1,500	
48	Jas. Clinton,	1,900	190 00
49	J. S. Higgins,	2,025	200 00

BLOCK BOUNDED BY JACKSON, OREGON, DRUM AND DAVIS STREETS.

12	Palmer, Cook & Co.	2,800	
13	" " "	2,000	
14	" " "	2,200	
15	Charles Wheeler, (not taken)	3,000	
16	" " " "	5,200	
17	Nefus,	2,500	
18	R. Buck,	2,550	
19	E. H. Tharp and E. J. Ramsdell,	2,100	
20	" " " "	2,100	
21	R. Buck,	2,700	
22	Isaac N. Thorn,	4,000	1,000 00
23	" " "	2,500	
24	Sharp & Broadie,	2,200	220 00
25	A. J. Ellis,	3,000	300 00
26	R. Buck,	2,000	
27	E. H. Tharp and A. J. Ramsdell,	1,800	766 00
28	" " " "	1,700	
29	John C. Hayes and Ira Monson,	1,700	176 00
30	Nefus,	1,550	



## LIST OF PURCHASERS.—CONTINUED.

## BOUNDED BY OREGON, WASHINGTON, DRUM AND DAVIS STREETS.

LOT	PURCHASERS.	AM'T.	AM'T.
1	Messrs. Beard & Hopkins,	\$5,350	\$3,508 52
2	" " "	2,900	
3	" " "	2,600	
4	" " "	2,400	
5	" " "	2,450	
6	" " "	2,300	
7	" " "	2,200	
8	" " "	2,300	
9	" " "	2,300	
10	" " "	4,300	
11	" " "	5,000	

## JACKSON, OREGON, DRUM AND EAST STREETS.

1	W. H. Talmadge,	2,600	
2	J. A. Woerber,	2,000	200 00
3	S. C. Hastings and E. J. Moore,	2,050	205 00
4	" " " "	3,000	1,257 40
5	" " " "	2,400	
6	" " " "	1,300	
7	" " " "	1,350	
8	J. A. Woerber,	1,600	340 00
9	" " "	1,800	
10	Rider,	1,500	
11	H. O. Dinnell,	1,200	132 00
12	T. R. Johnson, (not taken)	1,525	
13	" " "	7,800	
14	" " "	9,200	

## OREGON, WASHINGTON, DRUM AND EAST STREETS.

1	Beard & Hopkins,	2,700	
2	" " "	2,100	
3	" " "	2,500	
4	" " "	4,500	
5	" " "	1,800	
6	" " "	1,900	
7	" " "	1,900	
8	" " "	1,500	
9	" " "	1,400	
10	" " "	1,900	
11	" " "	2,000	
12	" " "	1,300	
13	" " "	1,400	
14	" " "	1,900	
15	" " "	2,100	
16	" " "	1,750	
17	" " "	2,300	
18	" " "	2,800	
19	" " "	2,200	
20	" " "	2,200	
21	Geo. Stider, (not taken)	4,000	
22	" " " "	6,100	

## BROADWAY, PACIFIC, SANSOME AND BATTERY STREETS.

32	Mr. Wheeler, (not taken)	1,300
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LIST OF PURCHASERS.—CONTINUED.

BOUNDED BY BROADWAY, PACIFIC, FRONT AND BATTERY STREETS.

LOT	PURCHASERS.	AM'T.	AM'T.
25	Palmer, Cook & Co.	6,500	
26	" " "	3,700	
27	" " "	3,800	

S. E. CORNER BATTERY AND BROADWAY.

30	Hall McAllister	1,000	
	Sum Total,	\$235,3000	\$13,939 97



R E P O R T

ON THE

GEOLOGY OF THE COAST MOUNTAINS,

AND PART OF THE

SIERRA NEVADA :

EMBRACING THEIR INDUSTRIAL

RESOURCES IN AGRICULTURE AND MINING,

~~~~~  
BY DR. JOHN B. TRASK.





TO HIS EXCELLENCY,

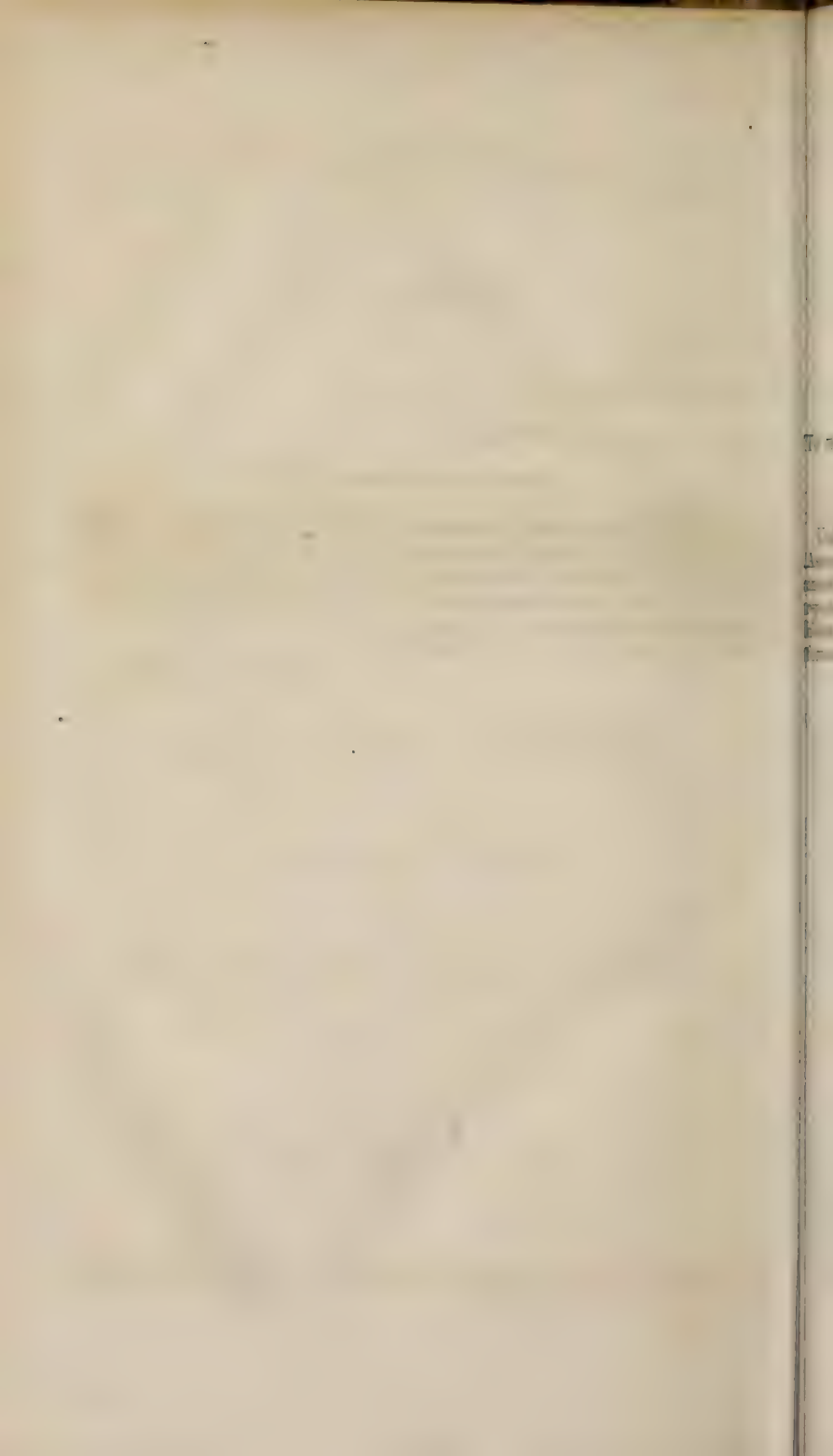
JOHN BIGLER,

*Governor of the State of California.*

Pursuant to resolution of Assembly, passed Feb. —, 1854, I have the honor herewith to submit the accompanying report on the Geology of that portion of the State, authorized by Joint Resolution of Senate and Assembly of the fourth session, all of which, with accompanying plates, is respectfully submitted.

Yours, &c.

JOHN B. TRASK.



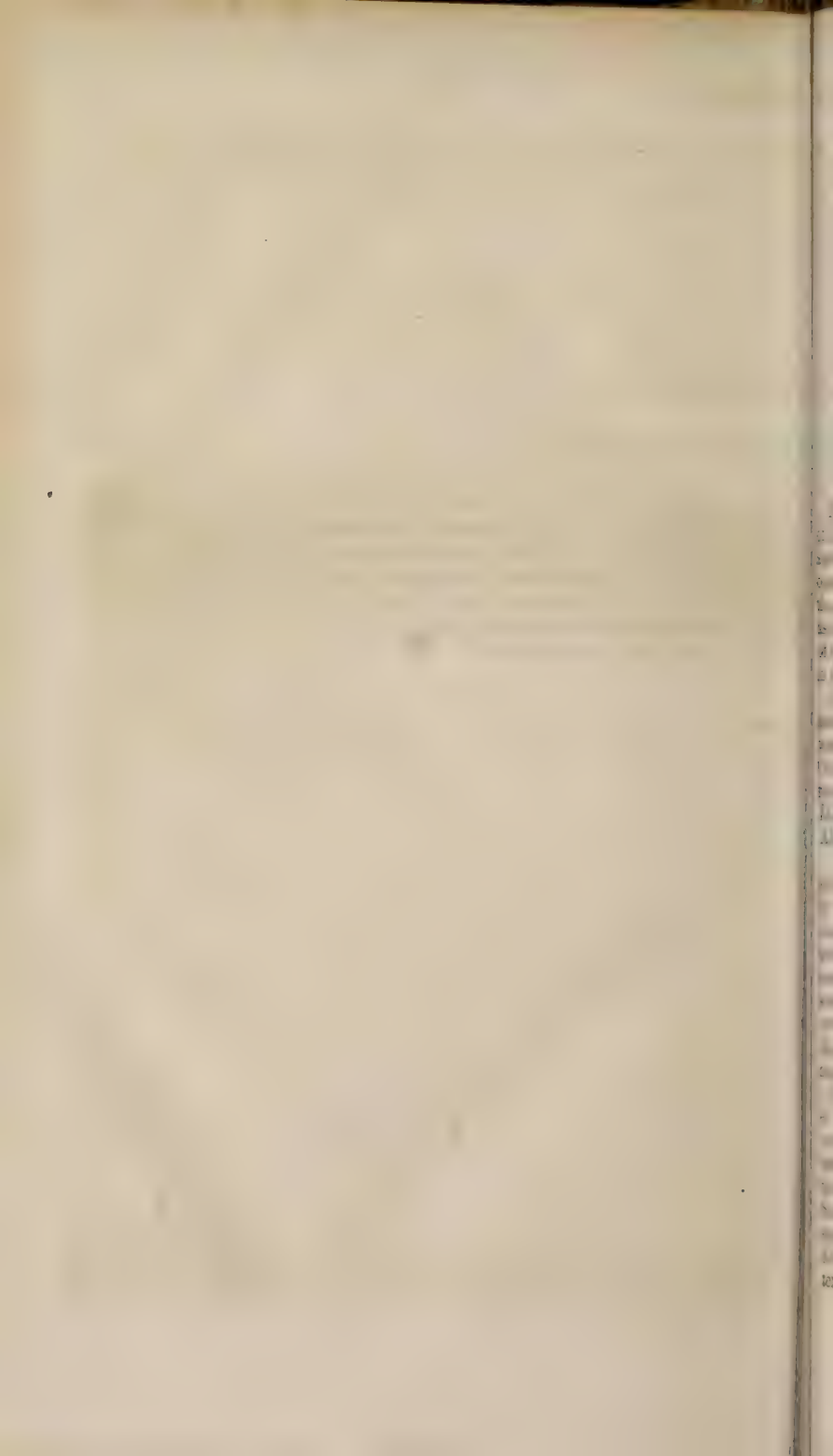
TO THE SENATE AND ASSEMBLY

OF THE STATE OF CALIFORNIA.

Under the Joint Resolution, passed May 6. 1853, by the Senate and Assembly of the State of California, authorizing a farther Geological examination of some parts of the Sierra Nevada and Coast Mountains, and report the results of the same to the ensuing Legislature, I have the honor of submitting the following report in relation thereto, and in conformity to the above requisitions.

JOHN B. TRASK.





## P R E F A C E .

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The examinations authorized were entered upon soon after the passage of the resolution, and continued until the 28th of November, comprising a period in the field of about six months. The first five weeks were occupied in examinations of the more elevated and western portions of the Counties of Butte, Sierra, Yuba, Nevada and Placer, in determining, as far as possible, the position of an ancient water course in this section of the State, and its peculiarities—the description of which will be found in the body of this report.

On the 23d June, the southern portion of the tour was commenced, and carried on almost uninterruptedly for four months. The route south was carried through the Counties of San Francisco, Santa Clara, Santa Cruz, Monterey, and the north part of Luis Obispo; on the west, and returning on the east, (or through that range denominated the *Monte Diablo* Range) by the west part of Tulare County, Mariposa, Tuolumne, Alameda, Contra Costa and San Joaquin.

The range of country bounded on the north by the Straits Carquinez, and south by the Nacismiento, was divided into four sections, formed by lines running nearly east and west from the great valley to the coast. On the first of October, the country north of the Straits Carquinez was entered, and preliminary examinations only were made in the counties of Solano, Napa and Sonoma. From the County of Napa a section was carried across the basin of the Sacramento, and connected with examinations made two years previous on its eastern edge. A similar section was also made, passing eighteen miles south of Monte Diablo and continued across the San Joaquin.

The remainder of the months of October and November was employed in investigations of the middle mining sections of the County of Nevada and those intermediate between the former and the middle and western parts of Calaveras county. This range leads through that section in which the principal gold mines of the middle portions of the State are located, and was selected, with the view of conducting those examinations which will be found in the appendix of this report, under the head of Quartz Mining. As those mines have of late presented many interesting facts connected with their ultimate prospects, a set of sketches

representing the positions of the views and investing rocks has been given for illustrating their present features.

Doing the tour in the agricultural sections of the State, the modifications of the soils in different sections has been noted, and the natural productions arising as resultants, where they seemed of a general character, and extending over any considerable area. The "Saline lands" have been observed, and the opportunities that were offered for their reclamation, when at any time demanded. The extent of cropping and resultant crops in some parts of the State, are of peculiar interest, and the facts developed in this particular will prove of much value to our agricultural interests, being an exhibition of the capabilities of some of our soils for the production of the necessities of life, unexcelled in the history of the world.

The temperature of the mountainous and valley sections of both branches of the coast mountains, was noted as far as the nature of attending circumstances would permit, for the purpose of ascertaining as far as possible the peculiar adaptation of the different sections to the culture of exotic fruits and trees, and where no opportunity of personal examination offered, a careful inquiry of persons long resident in different sections, was made, by which many interesting facts have been obtained, relating to this subject.

This report will embrace the examination of a district of country, included within  $120^{\circ} 16'$  and  $122^{\circ} 32'$  west longitude, and from the thirty-fifth parallel to the thirty-ninth degree of north latitude, inclusive of the coast mountains and mineral districts.

The coast mountains are watered by thirty-two streams, the most of which are small, their names and the counties in which they are located will be found below.

| COUNTY.       | RIVER.          |
|---------------|-----------------|
| Sonoma.       | Sonoma.—        |
| Napa.         | Napa.—          |
| Contra Costa. | Merced.—        |
| Alameda.      | San Antonio.—   |
|               | San Leandro.—   |
|               | San Lorenzo.—   |
|               | Alameda.—       |
| Santa Clara.  | Coyote.—        |
|               | Aguagos.        |
|               | San Felipe.—    |
|               | Gaudalupe.—     |
|               | Los Gatos.—     |
|               | Camels.—        |
|               | Llagos.         |
|               | Carnadero.—     |
|               | Pescadero.—     |
|               | La Brae.—       |
| Santa Cruz.   | San Lorenzo.—   |
|               | Lougell.—       |
|               | Syante.—        |
|               | San Augustine.— |

| COUNTY.          | RIVER.             |
|------------------|--------------------|
| Monterey.        | Corallitos.        |
|                  | Pajaro.            |
|                  | San Benito.        |
|                  | Carmello.—         |
|                  | Berjeles.—         |
|                  | San Antonio.       |
|                  | Salinas.—          |
|                  | Francisquito.—     |
| San Luis Obispo. | Nacismiento.       |
| San Francisco.   | San Mateo.         |
|                  | San Francisquito.— |

There are twenty-three of these streams which furnish a sufficient quantity of water for milling purposes, and are marked with a dash, (—) the above list does not include many small arroyas that course through these sections.





## R E P O R T .

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The coast range of mountains, and its included valleys, which form the principle subject of this report, extend from the 42nd paralel north latitude to the southern boundary of the State. Their general features present much more diversity of character than is usually to be found in the eastern chain of mountains, which forms the Sierra Nevada; from the occurrence of a greater variety of rocks constituting their mass, and the much greater area of covered by the sedimentary formations, the principle of which are sandstones, interspersed occasionally with calcareous rocks, and more rarely slates; this latter class of rocks forming but a small proportion of the sedimentary formations, of which later extensive portions of the coast line of mountains is composed.

The eastern belt of the coast range presents a repulsive aspect to the traveller as he approaches it from either hand, from its naked and barren appearance, producing but little of forest growth in any part of it, while those portions of the coast line of hills proper, are covered to a great extent with forest trees, consisting principally of the redwood, pine, and spruce, with groves of oak near their base, all of which are well adapted to the wants of the settler and usually easy of access.

This peculiarity in the two principal ridges of this chain was general for near three hundred miles of their course, the eastern ridge presenting no traces of timber except here and there an isolated patch of the pine on some one of its higher points; and for miles in extent even low shrubs are almost entirely absent.

Notwithstanding the barren aspect of the eastern belt of the coast mountains, it is not to be inferred that their slopes or valleys are unproductive, for it is found to be otherwise, being covered with a luxuriant growth of native grains and grasses, with herbaceous plants, affording extensive pasturage for flocks and herds. The lower foothills of the range, and the immediate banks of the small streams that meander through them, afford a few scattering oaks and other trees, but not sufficient in extent to furnish more than a very small local demand, to so extensive a population as the valley sections at the base of these hills must in a few years require. The oak groves found on the plains are

not adapted to any other uses than that of fencing and for fuel. The western or coast line of mountains must become the principal source of supply, in lumber for building purposes, except that which may be obtained by importation.

The coast range consists of two principal and distinct lines of ridges for a distance of nearly two hundred miles of their length: these are separated from each other by wide and long valleys that continue almost uninterrupted through their whole course, and should be considered as distinct ranges of one system both from their geographical position as relates to the mountains in which they are situated. The valleys have received different names, as the Santa Clara and Salinas: and these again are subdivided and receive local names even on the same line of plain; they can be considered strictly but one valley, the line of continuity being broken by the interposition of a range of hills, not exceeding in altitude three hundred feet, and even below these figures.

This division of the Salinas from the Santa Clara is caused by a low spur putting in from the Gabilan range, in a direction nearly north-west. Across the northern part of this spur the Pajaro River, an inconsiderable stream, holds its course, discharging its waters into the Bay of Monterey. The extent and geographical position of these two valleys would seem to warrant a different arrangement than that at present existing in reference to the coast range; as they form a line as distinct and clear in the separation of the two principal ridges, as the valleys Sacramento and San Joaquin in the separation of the coast range on the west from the Sierra Nevada on the east.

The division of the coast range proposed will be bounded as follows: commencing at a point due east of Monte Diablo on the valley San Joaquin, the latter and the Tulare valley to form the east line to the intersection of both ranges with the San Bernardino Mountains, near the thirty-fifth degree north latitude, thence running west to a point that shall cut the west base of this range, and lying on the north-western border of the Salinas, thence north along the west border of the latter, and also the west border of the valley Santa Clara to the south-east terminus of the bay San Francisco, following the east coast of that bay to the point San Pablo. This range inclusive to be denominated the Monte Diabolo, and all mountains to the west of these lines to be still termed the "Coast Mountains." This division in the mountains now bearing the latter name, will become the more necessary when it is understood that much difficulty now exists in localizing phenomena and transactions that have from time to time occurred, as well also as another distinctive feature which marks them, viz: their relative age, the one being of comparative recent date to the other. The term "Coast Range" implies a line of mountains following the coast only, but which, as it is used at the present time, includes a chain whose eastern base is as far removed from the coast, as the foothills of the Sierra Nevada are from Bodega Bay on a line cutting through the City of Sacramento to the ocean. This chain, it will be seen, is separated by broad and long valleys, as distinct in their characteristics as the Sacramento and San Joaquin, while their length, including the bay San Francisco, equals the latter and has nearly half its average breadth. The geological and mineral characteristics of the two ranges are equally

as marked and distinct as their geographical position and vegetable productions, while the courses which both pursue are widely variant, forming an angle of thirty-six degrees in ninety-one miles. For local convenience of description this division should be made, if for no other reason.

A division, or rather a new arrangement, is to be introduced in relation to the entire mountain chains that lie upon the west side of the continent, which will give more uniformity and a much better classification than that now existing. It is not proposed however to change local names in the arrangement, but to name those parts of the mountains, which, as yet, have received none, except "Sierras," as they are termed. Through Mr. Blake, of the U. S. R. R. Survey, I am informed that it is now proposed to term the entire chain of mountains, extending through to the northern part of Oregon, and running south into lower California, "Cordilleras or Western America," and all those portions south of the thirty-fifth parallel of north latitude, [which, as yet, have received no name,] are to be termed the "Peninsula range" in order to separate them from the coast mountains with which they are now often confounded, and again as often termed Sierra Nevada, by persons who have occasion to describe them, or any part of them.

The terms "Sierra Nevada," and "Cascade Range," will thus be retained as local names, with their boundaries the same as before. The coast mountains will comprise the entire chain lying to the west of the above, and which are found to have an age more recent than the tertiary rocks, which rest upon them, and such local changes as may be necessary will be applied, but so far only as will be required in order to elucidate any peculiar characteristics they may possess.

This arrangement is one much needed, and is founded on strictly scientific principles, and this proposition of Mr. Blake will meet the universal concurrence of the country, as it will reduce the mountain chains of the western part of the continent, to a more perfect system than they have heretofore possessed.

A more specific classification of these mountains has before been proposed by different persons, among them that of Lieut. Wilkes, who proposed the term of "California Range of the Cascades;" for the Sierra Nevada being but a continuation of the former, all of them heretofore have been objectionable on the ground that old and established names would be changed by the arrangement; notwithstanding those names conveyed erroneous impressions. No such objection can be urged against the present proposition of the gentleman above named, as it affords a convenience of arrangement not heretofore suggested or presented to the public for their consideration. With these remarks on this part of our subject, we will proceed to the examination of the chain termed the Monte Diabolo Range.

## GEOLOGY OF THE MONTE DIABOLO RANGE.

This chain of mountains forms the south shore of the Straits Carquinez and part of the bay of Suissun. The rocks bordering the bay and straits



are mostly a sandstone, which belongs to a similar range occurring on the opposite shore. On the western flank of this portion of these mountains, or on the east shores of the bay San Pablo, and north part of San Francisco, a range of sharp Peaks are seen: their slopes are abrupt from the summit for a considerable way down toward their base, and in the latter part of winter and through the spring are covered with wild oats and grasses.

For several miles these mountains are made up of trapean rocks, which have forced themselves through the sedimentary rocks, and are in all respects similar to the volcanic series that has protruded through the older and also more recent formations in the Sierra Nevada. These rocks are cut through and disturbed by a suite of igneous rocks of still more recent origin, causing material change in the structure of the rocks that preceded them, both sedimentary and plutonic. Among the latter we find the pitchstone and obsidian, showing conclusively that they belong to that class known as recent volcanic rocks. These rocks may be conveniently observed in some of the lower hills about two miles east of the house of Victor Castro, in the County of Alameda. The more recent volcanic rocks form the first summit of the high ridge east of the bay, and the frequently isolated conical peaks to which they give rise, and which are known among the native inhabitants as (Picaches) stretch to the north for six miles, when they are replaced by the older trap rocks, and followed by the softer sandstones, which form the smooth rounded summits of the hills to the Bay San Pablo and Straits of Carquinez.

The sandstones on the shores present many marks of disturbance and change, by the intrusion of the late igneous rocks, and it is not unfrequent to find fine threads of quartz ramifying through them in every direction; when this is the case, or when they are in contact with the more recent of the igneous group, their former structure is usually found materially changed, a conchoidal fracture in these rocks is often the result of this contact either in large or small masses.

There are considerable areas of the sandstone in these mountains, that present little or no traces of change, subsequent to their deposition, except that of uplift; thus proving that they must have been deposited on the trap rocks after the latter had become firm, and parted with their heat: but where the sedimentary rocks are found in close proximity with the later igneous rocks the change indeed in them is clear and decisive: thus demonstrating the fact that volcanic action has occurred at a date long subsequent to the period in which these rocks were deposited, and probably after their emergence above the surface of the sea, in which they had their origin. It was found, in examining the sandstones lying upon the older trapean rocks of this part of the range, that the fine threads of quartz before noticed, gradually increased in dimensions as they approximated the inferior strata of the sedimentary rocks, and where the igneous rocks were exposed to view beneath them, in favorable situations, they often exhibited true well and defined, though small veins of quartz passing through them.

These general characteristics continue south until a point nearly east of the town of Oakland is obtained, and here the trapean group of rocks are interrupted to a certain extent. East of this town we find the

primitive rocks occurring, and an outcrop of serpentine makes its appearance, together with some of its subordinate members, among which the Shales and some of the cherty rocks appear. These are flanked to the east with rocks of the trapean group, forming the high ridge in that direction, and are surmounted with the fossiliferous sandstones. The serpentine rocks of this district contain considerable quantities of chromic iron, but its extent is not accurately known. South of Oakland to San Antonio, the country is of the same character as that immediately preceding it. The mountains were not examined, but the creek was followed four or five miles, and its bed showed nothing to indicate a change in the structure of the country from which it has its rise, with the exception, perhaps, that the sandstone pebbles exhibited no marks of fossils.

These features were general for the entire distance to the San Leandro, being about eight miles: but after crossing this stream, the fossiliferous rocks become more fully developed and continue to gradually increase to the arroyo of the Alameda. The sedimentary rocks of this district rest on the older trap formations, with frequent small threads of quartz passing through them, but no material change of structure was observed in these at the points of contact. The sandstone of these hills is much coarser in its texture than that forming the shores of the Bay San Pablo and Straits Carquinez, and its fossils exceedingly fragile and imperfect.

Crossing the Alameda and entering the hills in which the Mission of San Jose is situated, a distance of four miles, no change in the general character of the rocks is noticeable, with the exception that the sedimentary rocks have suffered more from disintegration than at any point north of the arroyo Alameda, and the contour of the country being such as to retain a large part of the detritus of these rocks, the result has been the production of a soil, throughout the hilly and rolling districts, of almost unequalled richness and fertility.

Following the west side of the Central Range we pass into the county Santa Clara, a short distance south of the Mission San Jose. The sedimentary rocks containing fossils continue to cap the summit of the ridge for the distance of twenty-five miles south of this point, all of which appear to be of the same age as those above described. South of the *Hot Springs* (a point defining the boundary between the counties Alameda and Santa Clara) the trachytes crop out in two or three localities, leaving but little room for doubt that the more recent of the volcanic rocks underlie this entire section. At the distance of sixteen miles south of the Spring, the chlorite slate flanks the west base of the ridge, and at short intervals along this distance fragments of these rocks are frequently met; on the Rancho del Palo this rock again occurs at a distance of three miles east of San Jose, here it crops out on the hills three hundred feet above the valley, and appears to have been much disturbed and broken up; immediately west of this an alluminous slate appears dipping southwest and corresponding to the inclination of the chlorites.

In the hills of this district there is considerable quantities of quartz, some of which has proved auriferous.

Traveling parallel with the ridge and south of the Pueblo San Jose, the fossiliferous rocks become less developed, and at the distance of

thirteen miles very few sandstones containing fossils were to be seen. In the arroya Caoti the first specimens of scoriaceous lava were met with, this induced a more critical examination of the mountains to the east of the valley than would otherwise have been made. The hills were entered a short distance south of Laguna Seca, and followed thence southerly for eighteen miles. Small patches of fossiliferous rocks are sparingly distributed over the route, the predominating rocks being igneous and composed principally of trachytes and lavas; from Laguna Seca an almost continuous dike of the latter extends along the western base of the ridge for a distance of near twenty miles.

As you approach the Rancho Cantine it becomes more cellular than farther north at any point where it was observed. In the vicinity of Gilroy's it has been used for milling purposes, to which it seems admirably adapted, being unequalled in hardness to the best French Buhr. I saw at Gilroy's three sets of these stones which have been in use at that place for several years in flouring wheat. These stones are capable of being split out to the diameter of four feet and the requisite thickness that may be required for the uses of the mill.

The principal rocks forming the east ridge of the Monte Diablo range, and continuing southeasterly from Gilroy's, are composed of the more recent volcanic series, and are but a part of those above alluded to. At the distance of eight miles from this town, the ridge attains an elevation near three thousand feet, and shoots up into a series of jagged, conical peaks, which maintain this character for sixteen miles south of San Felipe; the pass known as "Pacheco Pass," leading from the Valley Santa Clara to the San Joaquin, is situated among these latter hills and near their northern terminus.

Nine miles northeast from San Felipe is the well known landmark known as "Pacheco's Peak;" it is visible for a long distance from the east, west and south, but not from the north owing to the hills between having a considerable altitude and their close proximity on the principle line of travel; it is formed of trachyte and scoriaceous lavas, and is evidently the remains of an extinct volcano.

The Santa Anna mountains stretch in a south-east direction from San Felipe a distance of twelve miles, and from this point sink gradually into an uneven ridge having an altitude varying from one thousand to fifteen hundred feet, but far more rugged than its equivalent north of the Alameda Creek. The section inclusive from the vicinity of Pacheco's to the extreme southeast part of the Santa Anna mountains, has been one of the grand centres of the more recent volcanic disturbances which has imparted to the mountains their present contour; the greatest amount of local disturbance is confined within a line of distance comprising about eight miles north and south, exerting a considerable elevatory force on the sedimentary rocks of recent date to the west and south-west.

The disturbance among the latter rocks is manifested in a striking manner on the south-east portion of the "Loma Muertas," (a range of hills extending from the south-east part of the Santa Clara Valley across its upper end, dividing this from the Valley San Juan) which extends also to the fossiliferous rocks near the Mission San Juan, they all have a dip to the west, which is continuous for miles.

The Rancho Tres Pinos, eight miles south-west of Santa Anna, may



be said to be the southern terminus of the Valley Santa Clara, though south of the "Loma Muertas" it is called San Juan; at this point it narrows to a cañon and continues thus forty miles to the south-east; after passing the Tres Pinos it becomes rough and irregular, though attaining no great altitude for most of this distance, and from the appearance of the cañada beyond, obtained from an elevation of eight hundred feet, it is probably connected with the Tulare plain some forty miles south, and from its appearance the elevation must be very moderate, as no hills were visible along the axis of the cañon to obstruct the view to a horizon beyond.

The stream that courses this cañada is termed San Benito as far south as the Arroya los Muertas, and eight miles south of the Rancho Tres Pinos, after which it takes the name of San Juan; it discharges its waters into the Pajaro fourteen miles north of the Rancho Santa Anna; the latter river forming the boundary of the counties Santa Clara, Santa Cruz and Monterey.

The pass Santa Anna is situated in the Monte Diablo Range and enters these mountains from the west, two leagues south of the Tres Pinos, and from the cañada San Benito; it was extremely rocky so far as examined though attaining no great altitude, the mean of its course was fifteen degrees north of east. This cañon appears to have formed the banks of an ancient stream, and it is not improbable that the San Joaquin might have flowed through this section, and discharged its waters into the bay of Monterey; I did not pass through the entire length of the cañon and am therefore unable to form an opinion on this point that would be satisfactory in this particular. The features observed on which this supposition is founded, are that a series of outliers, or rather narrow terraces are traceable for nine or ten miles up the cañada, such as occur on streams whose beds have been drained from successive elevations from subterranean forces. These peculiar features are not uncommon in the more elevated portions of the Sierra Nevada or Coast Mountains, and in the middle and northern parts of the former they may be traced for long distances.

The Monte Diablo Range is connected with the line of mountains which separate the Tulare and Salinas Valleys; and constitute in fact but one range, having their terminus within the thirty-fourth parallel, when they are intercepted by the San Bernardino mountains, which it appears from the U. S. R. R. Survey, pursue a course nearly at right angles to the trend of the former; while the low mountains forming the east border of the Salinas from the Mission San Miguel on the south to the Pajaro River on the north, can be considered nothing but a spur of the Monte Diablo Range.

The principle part is of this spur of granitic and other primitive rocks, on which the tertiaries rest; the granite is first developed in and about the Cinega del Gabilan, this mountain being made up for the most part of these rocks; at the next highest peak twelve miles south of the above known as the Chupadero, the granite passes into a coarse sienite much disintegrated and loose on the surface; the sienite continues to the cañada Solza a distance of six miles, beyond which it was not examined for twenty miles. It is doubtful if the granite rocks extend to any considerable distance beyond this locality, as the general aspect of the country



changes materially after passing this point, and the magnesian rocks begin to be gradually developed.

The mountains were again entered fourteen miles above the cañada Solza, and followed for eleven miles, the magnesian rocks were met at short intervals throughout the entire distance. Chlorite and talcose slates with beds of impure serpentine occur, containing actinolite, and in the ravines fragments of chromic iron: at one locality this mineral was found in considerable quantities. No chromic iron was found in place in any of these rocks, but the detached masses in the ravines indicate deposits to a considerable extent.

The Panoches were visible from this point and distant about seven miles, bearing per compass south-east by east, and the entire range of hills intervening leads to the belief that the same class of rocks as those above alluded to, compose the principal rock of this section. This opinion was subsequently corroborated by the results of an exploring party from the Mission San Juan, who were out in search of what had been supposed an argentiferous vein, up the cañada of that San Juan, the ore brought in by this company proved to be an excellent quality of the chromic mineral, containing considerable quantities of the emerald nickel, which is far more valuable than the mineral with which it is associated.

A line from the cañada Solza carried east to the Arroya San Juan terminates at a point four miles north of a sandstone formation lying upon the east declivity of these mountains which contains marine fossils: those that were sufficiently firm for examination were found to be of present existing species of the Pacific Coast, consisting of *Mytilus* and *Cytherea*: in one part of these tertiary sandstones some fragments of *Purpura* were found, which are identical with those on the Arroya Pescadero, county of Santa Clara, and the littoral sea beaches on the Straits Carquinez. This was the only deposit of sedimentary rocks found on this spur of the Monte Diablo Range, and points to a period remote, when the waters of the ocean washed those shores, and furnishes corroborative testimony of the recession of the sea from those places by uplift from volcanic agencies below the surface.

On the west flank of the Gabilan (which is the most prominent peak on this spur) a bed of primitive limestone occurs, extending from the cañada Vergeles on the north nearly to the Sierra Chapadero on the south, a distance of twelve miles; it was observed on the lower hills of this part of these mountains only, and at no elevation exceeding five hundred feet above the level of the Salinas Plains.

At one locality these rocks have been cut through by two dikes of trap, and also a heavy dike of quartz is found on its eastern edge, which runs parallel with the course of the calcareous rocks: the quartz has cut both the granite and limestone, and *thrown* both to the west, it is heavily charged with iron, and contains in addition the blue and green carbonate of copper with a little gold. The limestone passes under the Salinas Valley and has a considerable inclination in contact with the intrusive veins above noted: it contains silver and lead (*Argentiferous Galena*) in small veins in several places. As the calcareous formation does not show itself on the opposite side of the valley, opposite this locality, the presumption is that it underlies the plain at a considerable depth, and should

it carry those veins throughout which is found upon its surface it is not improbable that valuable deposits of ores may be found within it.

### SALINAS VALLEY.

This extensive plain will follow as next in order, in the description of its general features, previous to the consideration of the Coast Mountains.

The valley is about ninety miles in length, and has a varying breadth from eight to fourteen miles; it is situated between the Coast Mountains and those denominated the Monte Diablo Range, and is bounded on the east by that spur of this range in which the Gabilan is situated.

The Salinas River flows through this plain from the Cadesal Pass in which it has its rise, to the bay of Monterey. The stream for fifty miles of its course follows the western margin of the valley, and crosses the plain for the first time eight miles south-east of the Mission Solidad, after which it becomes more irregular. Three observations were taken at different points, by which it was estimated that the river had a fall of eighteen inches in one and three-fourths of a mile for seventy miles of its course. The bed of the stream is composed of a loose micaceous sand, derived from the granite rocks to the east, and also from the tertiary rocks on its western border, the latter, however, do not enter largely into its composition.

The plain of the Salinas consists of three terraces running through nearly its entire length, thus making three different positions which the river has occupied since the formation of the valley, and its recession from the eastern to its western border where it at present holds its course. These terraces are very regular in their general outline, and impart to the mind an idea that the plain has a uniform grade for its entire breadth, when the point viewed is one or two miles distant. Commencing on the western side of the valley, the lower terrace is found to occupy a breadth of about four miles, and is composed of a rich alluvium; at this point the second terrace rises abruptly to the height of eleven feet, its average width being nearly that of the former; this is also composed of a similar soil as the first, though not in so fine a state of disintegration, or containing so large an amount of vegetable mould. Both terraces support a dense growth of indigenous grasses and plants, thus furnishing an abundant supply of pasturage for stock of all kinds.

The third and upper terrace rises nearly as abrupt as the second, and has a varying breadth from one to six miles, it is more irregular upon its surface than the two former, and attains a higher grading as it approaches the hills to the east; the irregularities of the surface are not sufficient to produce any sensible effect in destroying that uniformity which a view of four miles will give on any part of the plain, and would not be noticeable except in passing over it.

South of the Alisal Ranch, and situated on this upper terrace, are a series of little elevations that continue at intervals of half a mile or a mile through a distance of twenty-seven miles, on the eastern side of the valley. They are symmetrical in form and rise on every side to heights varying from six to ten feet above the level on which they stand; their surface is smooth and even, covering an area from fifty to one

hundred yards square. They appear to be composed of the valley and neither rocks or small stones were to be found on any part of them. The first impression received by the traveler on coming up to them, is that they were the work of art, perhaps thrown up by the aborigines to secure themselves from inundation; but when we consider their extent and number, it will be found rather inconsistent with the habits of these people to erect works of this extent: there are no traditions among the Indians of this part of the country respecting the origin of these singularly formed hills.

The causes of their production must remain a secret which future time alone, and the art of man, will eventually unravel. Their irregular dispersion and general uniformity of character indicates an origin from natural causes than otherwise, though it must be confessed that the agents that are active in producing them are not very apparent.

The upper terrace or "Mesa" of the Salinas, exhibits more distinctly the sources from which the superficial covering of the plain has been derived; the soil is harsh and gravelly, and retains moisture but a short time after the rains cease; it much resembles the soils derived from the granitic rocks of some parts of the mining counties; but notwithstanding the sterile features of this "Mesa," it produces the wild oat in sufficient abundance to furnish extensive grazing land, and in the "Encinal" the natural crop is heavy.

The slopes of the hills on the eastern side produce the same grain, but here it is frequently replaced by the indigenous grasses; these latter do not become so general until after passing above the limestone range, and these rocks seem to favor in an eminent degree the growth of the cereal to that of the grasses in this section and south beyond the Chupadero; beyond this the grasses form the principle covering of the hills on the east side of the plain to the southern extremity of the range.

The Salinas has an inclination of eight degrees in twelve miles transversely to its course. The line was projected from the Chupadero and carried through the Carmel Mountains to the sea, and connected with another line which was carried through the Monte Diablo Range and cañada San Juan at a distance of two miles south of Los Muertos, thereby obtaining a sectional profile from the western edge of the San Joaquin to the ocean.

The section thus formed will give the following series, and the order in which they occur. First, alluvium of the San Joaquin, tertiary sandstone containing no fossils, and resting on trachytes; 1200 feet on east ridge, the trap rocks are found, same altitude on west ridge, porous and compact lavas, on the west slope 400 feet above the level of the Arroya San Juan, mountain limestone. Valley half a mile in breadth flanked by calcareous rocks, resting on granite, 1600 feet through to the Chupadero granitic and trapean rocks, 400 feet above Salinas Valley crystalline limestone, valley twelve miles in breadth, ascend one high plateau of sixty-four feet of gravelly alluvium, thence over a high ridge trapean rocks, which are followed by coarse granitic rocks to the sea. The highest ridge is the granitic mountains toward the ocean, and the highest point crossed 2900 feet.



## FROM POINT PINOS TO THE NACISMIENTO RIVER.●

The Coast Mountains extending from Point Pinos, Monterey, to the northern line of Luis Obispo are mostly primitive; the character of the rocks which form the principle basis of these mountains are best observed about Point Pinos and the town of Monterey; they are composed of a coarse-grained but apparently firm granite, having a bluish grey color where the solid masses have been recently fractured. In some places this granite contains imbedded translucent crystals of felspar, (Adularia) in others it is close grained, and contains but little mica, its disintegration forming a fine white sand but little discolored by iron, and from its brilliancy below the surface of the ocean, produces a most pleasing effect on its waters at considerable distance from the shore. The light-house at Point Pinos is constructed of this rock, and from the appearance of the stone when properly dressed, it is highly probable that if the ledges were properly opened, a good material for building purposes may be obtained and in sufficient quantities to supply all the local demands of this country.

The granite shows itself as an underlying rock for four miles into the interior, from the coast, where it becomes covered with the debris of the sedimentary rocks resting upon it and alluvium, but there is but little difficulty in tracing its course for forty-five miles easterly of Monterey; it becomes more largely developed after crossing the Carmello and entering the mountains on its southern side.

The trend of the Coast Mountains south of Monterey for fifty miles is south 50 degrees east, while the strike of the granite rocks is at an angle of nearly 18 degrees to the line of trend, or in other words cutting the course of the ridge at an angle of eighteen degrees. The granite rocks at Point Pinos are of the same series as those occurring in the vicinity of the Rancho Piojo, and south of the Estella, thirty miles distant from the latter in a southerly direction; the texture of these rocks in these southern localities is more compact than in the vicinity of Monterey, and in some cases are hornblendic in their character. On the east the granite is flanked by an extensive group of the Serpentine formations, which continue south as far as the Mission San Antonio; they constitute the principle part of a ridge running parallel with the granite, and situated between the latter and the Salinas Valley. The country over which the magnesian rocks predominate is easily distinguished from that in which granitic or trapean group is found, by the vegetation incident to both—the serpentine hills being generally destitute of the larger forest trees, and covered with a thick “Chamisal” and stunted varieties of the oak; this peculiarity of these hills is very striking, and cannot fail to arrest the attention of the traveler, either among the Coast Mountains or Sierra Nevada, in passing over them. The talcose and chloritis slates of these mountains were found to be auriferous in several localities, and mining to a considerable extent was conducted in some parts of these mountains during the past summer.

The magnesian rocks cross the Nacismiento River fourteen miles above its junction with the Salinas; on the banks of this stream they appear in the form of massive Serpentine, but assume a schistose structure three



miles beyond to the south, and at the distance of six miles the chlorite slates abound. These mountains were not followed beyond this point to the south, but it became evident that the trapean rocks prevailed at the distance of ten or twelve miles farther on, the sharp outline of the higher hills corresponding with those of a similar character observed in other localities.

To the south-east and south-west the mountains were less rugged in their appearance; a considerable extent of a white micaceous granite was found, on which detached masses of sandstone were met with, containing marine shells, also a conglomerate apparently of the same age. The fossiliferous rocks were much disintegrated, and their fossils very imperfect: the species observed were *Pectinea* and *Terredina*, and evidently were of the same age as those in the immediate vicinity of Monte Diablo; all the other shells were so imperfect that nothing reliable was to be obtained from their examination, being merely fragmentary in their character.

To return again to the northern part of this range of mountains, and in the vicinity of Monterey, we shall find that the fossiliferous sandstones of this district do not compare in any degree with those above noticed, but, to the contrary, all of the marine fossils of the northern part of the range are found to differ in their character and relative age. On the Carmello this interesting fact may be conveniently observed: the fossils are found in an argillaceous sandstone, about nine feet in thickness, and rests alike on both serpentine and granitic, and has a dip of seven degrees west. It is found at intervals through eleven miles of distance on a course east southeast, and for a breadth of about four miles; this formation, which must be regarded as the *Post Pliocene* of this country contains imbedded fossils of the genus *Cancer*, with casts of *Cytherea*, *Nastra* and *Tellina*, all of living species in the adjoining Bay and Bay of Monterey.

From the delicacy of the preservation of these small animals, and the character of the rock in which they are imbedded, it appears evident that it must have been deposited in still water, and was probably an estero into which the tide ebbcd and flowed regularly, with sufficient protection to break the violence of the surf upon the coast. After its deposition it had been gradually elevated above the surface of the waters, and subsequently tilted from its horizontal position by the intrusion of igneous rocks in its vicinity.

The cause of its disturbance and inclination is found in the intrusion of a trapean dike which has cut through the granite and clay state, which latter passes into a micaceous schist, and near the contact of the igneous intrusion small but imperfect garnets are found imbedded. The fossiliferous rocks are regularly stratified, and cleave easily in one direction; they are much twisted and contorted nearest the points at which the trapean mass broke through, but become much less curved as the distance increases from that centre. A clay of fine texture and creamy color is found resting on the argillaceous sandstone, and covers a large extent of country stretching to the east of Monterey as far as the Toro Hills; this clay is composed almost exclusively of *infusoria*, apparently of marine origin: five distinct species have been observed, four of which are discoid. It is probable that they have been described either by Professor Bayley, of West Point, or Ehrenberg, as both these gentlemen have had

opportunities for the examination of the infusorial formations of this State—and until access may be had to their descriptions, it will be impossible to determine this fact. Specimens have been secured for the State collection, and will be described at the earliest opportunity.

My route next followed a northeast direction across the Toro Hills and Cañada; the first range of high hills on the north side of the Carmello, and which divide the Toro from the Carmel valley, have an altitude of about seven hundred feet; they are composed of a coarse sandstone, containing a few indistinct impressions of shells of marine species; an out-crop of trap was observed among the latter rocks, flanked by granite of the same specific character as that found at Point Pinos, and may be seen four miles southwest of the Toro Ranch. On the south side of the valley an extensive bed of calcareous travertine occurs, and also a breccia of the same character, they cover about one mile of area; no limestone rocks were found *in situ* in this vicinity; the travertine here observed, evidently had its origin from springs highly charged with calcareous matter, and which were undoubtedly formed in the limestone described on the east side of the Salinas valley, and which dip under the same as described in the preceding pages. From the intrusion of the more recent volcanic rocks in the immediate vicinity of those springs, it is probable they were diverted into another channel, and thus ceased to flow in places in which the calcareous tula is now found. Similar springs now exist a short distance from Santa Cruz, around which the calcareous deposits are very extensive.

Crossing the Toro Valley or Cañada, and following the course of the bay of Monterey, there is little else to be seen than the tertiary rocks for fifty miles, and extending easterly in elevated plateaus and hills for eighteen miles from the coast; among the Chamisal hills frequent intrusions of trapean rocks are met, and in nearly every case where this occurs the granite is also seen broken through by the same igneous intrusions. The sandstone is generally of a buff colour, and yellow-brown, having a greater or less abundance of fossils, in some instances, firm and compact, and again loose and friable; it is almost continuous in a northwest direction, being broken through only by small streams, and is found north of the mission of Santa Cruz, from whence it gradually narrows out, being found immediately on the coast at the base of the mountains.

Beyond this point the principal rocks on the coast are primitive and volcanic, forming sharp, high hills and low mountains with a bold coast line.

### SANTA CRUZ MOUNTAINS.

These mountains approach the coast a short distance northwest of the Mission and town of Santa Cruz. They extend from the head of the Santa Clara Valley and Pajaro river to Mount Bruno and Presidio Point west of the city of San Francisco; they are separated from the mountain forming the coast line to the northern terminus of the State, by the Golden Gate or entrance to the bay of San Francisco. The greatest altitude attained in these mountains, is the Black Hill, (Loma Prieto or

Umhumín,) the latter being the original Indian name applied to this hill.

The entire range is composed, principally of the primitive rocks, among which the serpentine formations play an important part: this suite was traced from near the Rancho La Brae on both flanks of the mountains, to the Franciscuito on the east side, and Anno Nuevo on the west, and belong to the same series as those occurring at Point Lobos and the Presidio. In several instances throughout the range, the trapean rocks have broken through, as detailed of the mountains south of Monterey.

On the west flank of these mountains, and in the central and northern parts of the County of Santa Cruz, there are views of quartz cutting through the serpentine and other rocks in other places; and is particularly observable on the upper portions of the arroyos Sogeli, Syant, and Rio San Augustine. The general rule heretofore laid down respecting the contact of these two groups of rocks in this country is found good in the present case. "That when the two series are found in contact, either as dikes of great length, or smaller views, one, or both is *always* auriferous." And such has proved to be the fact in the case before us; from all appearances the quartz has been one of the most recent disturbing agents here, as well as elsewhere.

The mineral characteristics of these mountains will be noticed more in detail when speaking of that subject hereafter.

The south-east spur of these mountains terminates at the Pajaro River, thirty-six miles east of Santa Cruz, and fourteen from Watsonville. On the southern extremity are found extensive beds of fossils finely preserved. The arroyo Pescadero and la Brae cut their way through these hills, and their beds abound with boulders containing these organic remains. The fossil sandstone at this point rests on the Serpentine and trapean intrusions, being changed in its texture near the points of contact with the latter rocks. On these streams are to be found several bituminous springs, which discharge large quantities of the fluid bitumen, at times covering several acres of ground. The occurrence of these springs has led to the belief that bituminous coal existed in this section, such, I think, is not the fact in the present case, though it might be a tenable supposition in parts of the world where coal measures exist, or where any of the superior groups of the secondary rocks may be found.

The position of these springs, geologically considered, would render it impossible for coal to abound, as they make their appearance among a mass of rocks having an igneous origin, where not even a lignite is likely to exist. There is but a possibility that the tertiary rocks in the vicinity may overlies some members of the secondary group, from which these springs have their origin, but no outcrop or other indications are to be found which will warrant such a conclusion. There is every evidence that the tertiaries above rest on the primitive and volcanic rocks with no intermediate series between them. The origin of bituminous springs is but little understood; in the present state of our knowledge they are found to arise from the newer as well as the older formations, and alone are not reliable evidences of the existence of coal, except when found among the carboniferous rocks.

Following the east flank of the Santa Cruz mountains, we find small patches of the tertiary sandstones among the lower portions of the hills,



from La Brae to the Llagos Creek; after which they are not again seen for several miles. Near the last named creek, the more recent volcanic rocks make their appearance and continue, at short intervals, for sixteen miles, when we again pass into the primitive formations, which become more metaliferous and particularly in the region about New Almaden in the county of Santa Clara.

North of Almaden, and near the Los Gatos Creek, a bed of recent conglomerate, loose and friable in texture, is found occupying an elevation of four hundred feet above the level of the valley, and having a thickness of about seventy feet, it occurs on both sides of the Los Gatos, and is found, at short intervals, for ten miles, crossing Camels Creek and following its banks for two or three miles; it has been considerably disturbed and large masses have been thrown down. West of McCartyville the mountain limestone occurs in large masses and is continuous for several miles to the west, north and north-west. Extensive operations are now conducted in the manufacture of lime for the market, for which purpose it is admirably adapted. This group of calcareous rocks cannot be less than thirty miles in length from east to west, and has a strike transverse to the line of the mountain range, appearing on the coast at Santa Cruz, at this point it is highly crystalline. These rocks extend north of Camel's Creek about four miles; and a calcareous rock of an amorphous character is found as far north as Sanchez Ranch, in the County of San Francisco. The west flank of the mountains, lying between the San Mateo and a point nearly west of Mission Dolores, was not examined personally, but from the specimens of rocks from that section, which I have seen, their geological characters appear identical with the rocks at the Presidio, which are mostly serpentine.

On Presidio point are to be found beds of a Jaspery rock having a riband-like appearance, and colors from a greenish hue through red-brown to red and yellow; this rock has been considered by Mr. Dana as a variety of the Prasoid rocks, and as he says—"the graduation of prase into jaspery rocks exhibits a close relation of both." These transitions were met with in other parts of the country over which he had travelled. In relation to this subject he further says—"From the transitions that occur, it also appears that the jasper and prase rocks are closely connected with the talcose series, and that the translucent jasper and bloodstones of this section are only different varieties of its condition." The jaspery rocks of San Francisco are worthy of description; the green, red and yellow varieties occur in the same vicinity, they form a series of layers averaging two inches in thickness, and varying from half an inch to four inches; the layers are distinct and separated by open seams, and on the front of bluffs or ledges the rock has a riband-like appearance, the layers coalesce and sub-divide without regularity though uniformly parallel, they are often twisted, and thus change at short intervals from a vertical position to a dip of twenty degrees."

The colors red and yellow are often mingled and sometimes appear as parallel bands; in some instances, the surface is red while the rock is yellow beneath, this may have resulted from the burning of a tree on the spot, for by heat the yellow varieties readily change to red; a small specimen had an agate-like structure as though formed from an aqueous solution.



An impure talcose rock occurs at Point Lobos, which extends east for one and a half miles. The works of the "Mountain Lake Water Company" have been carried through a portion of these rocks, and the masses of serpentine that have been elevated to the surface from the depth of one hundred and sixty feet have exhibited an interesting feature in the history of these rocks. It was found, on examination, that the strong odor given off from these stones was composed of free Bromine and Iodine; it is very persistent, and specimens which have been exposed to the air for nearly three months have not lost their odor.

From the Presidio on the bluff near the bay, slates and sandstones are found in a much disturbed condition from intrusions of trap; the strata are much contorted and twisted, and tilted in every direction, the inclination varying from five degrees to verticality in very short distances. These rocks, as yet, have presented no fossils in the immediate vicinity of the city, but pass into tertiary sandstone, containing organic remains one mile west of Montgomery Street, San Francisco, where they may be found forming the west point of the North Beach.

South of the city and near Rincon Point, the trachytes appear with small veins of quartz running through them and the adjoining slates; the latter having suffered considerable change in structure near the point of contact with the igneous rocks. Traces of carbonate of copper are observable in this vicinity.

Crossing the Bay of San Francisco from Presidio Point, the rocks on the Sausalito side correspond with the primitive formations above described. The serpentine series continue for several miles up the bay, varying in its mineral characters at short distances. At San Quentin the rocks are schistose, and half a mile beyond, again passes into a massive form, and contains actinolite in fan-like groups of crystals; a mile beyond this, the rock becomes hornblende, and thence gradually passes into a trap formation, containing well defined crystals of the latter mineral.

On reaching the northern shores of the Bay San Pablo the hills to the north appeared rugged and conical, indicating a preponderance of the volcanic rocks.

The route traveled next, lay through the Counties of Solano and Napa. It has been before remarked that the sand-stone on one side of the Straits Carquinez was identical with that on the other, and the line of dip in both will be found to correspond. These rocks are permeated by minute threads of quartz, and contain considerable quantities of magnetic sand; in some cases the quartz veins acquire a thickness of one or two inches, and have in several instances been found to contain gold, while the sand-stone itself possesses this character in a limited degree; it is contained mechanically in these latter rocks, and in general will be found as a local deposit only. Small quantities of this metal have been found in the stone used for building in San Francisco, which were taken from the quarries in the vicinity of Benicia. It is doubtful whether these rocks would ever warrant mining explorations, except in those locations where the quartz has intruded to a considerable extent. In this case they would prove of sufficient value probably, for mining in the rocks below the sand-stone, and would be governed by the same

natural laws that are found to prevail in other parts of the country in relation to auriferous veins.

These sand-stones are found to extend into the interior in a northwest direction, a distance of about eight miles, when they are succeeded by volcanic rocks of recent date for thirty miles in the same direction; the points of contact in the igneous and sedimentary rocks exhibit distinct and striking marks of change in structure among the latter in many places, and it is not uncommon to find trachytic injections into the sand-stone along the line of coast on the bay and straits.

Where these veins are large, the sandstone in contact is often nearly as hard as the trepan rock itself, a true conchoidal fracture, having quite sharp or roughened edges, with a semi-earthly surface, is the result of this metamorphosis. Above this sandstone and resting directly upon it, is a littoral sea-beach, having an elevation of about thirty feet above high tides, and extending for several miles along the coast of the bay. It is composed of fragmentary and entire shells, mixed with a little sand and clay; its thickness varies from one to three feet. Its position is immediately below the alluvium.

It forms a distant white line along the bay coast of San Pablo on its north side for eight miles, and may be seen at the town of Benicia in the vicinity of the sandstone quarries at that place. The shells of which this beach is composed consist of a small species of ostrea, purpura, and other small shells now inhabiting these waters. The elevation of this beach points to a period comparatively recent, when subterranean forces were in operation in elevating the lands adjoining the coasts and bays, which part of our subject will be considered more in detail when reviewing the geological changes which have occurred in the different portions of the coast-line followed.

Among the sandstones of this region is a bed of limestone having an average thickness of two feet; it is found one mile north of the town. This limestone was traced in a northeast direction for two miles, and is probably the same range as observed by Mr. Tyson on the east side of the hills on Suisun Bay.

The foot of the ridge lying between Suisun and Napa Valleys, was followed for twenty miles. At this distance from the bays it attains an altitude of about twelve hundred feet. The rocks composing this ridge are mostly volcanic, with sandstone on their eastern flanks dipping east towards the Sacramento Valley; a few very imperfect casts of marine shells were observed, but none sufficiently perfect for preservation.

The ridge on the west border of Napa Valley presents much the same characteristics as those on the east. These two ridges unite about eighteen miles north of Napa City, at which place they become extremely rugged and elevated.

The highest and most conspicuous peak in this range is Mount Helen; its sharply defined outline and truncated summit shows most conclusively its volcanic origin. A section cutting Napa Valley nine miles south of the town was made, and carried across the Sacramento Valley to the foot-hills on its eastern side, by which the grade of both valleys and the altitude of the hills were obtained.

Before reviewing the geological changes that have occurred in the Sierra Nevada, Monte Diablo and Coast Mountains, a view of that part

of the great basin separating the Coast Mountains from the Sierras will be given; and in speaking of the Sacramento Valley, that of the San Joaquin will also be included, and the physical characters of both briefly explained.

## STRUCTURE OF THE VALLEYS OF SACRAMENTO AND SAN JOAQUIN.

These valleys form a "single geographical formation,"\* stretching from the terminal spurs of the Cascade Mountains at the north, to the junction of the Sierra Nevada with the southern terminus of the Monte Diablo range with the thirty-fourth parallel of north latitude. The length of the valley is about three hundred and eighty miles in length on an air line, with a breadth of fifty miles at its widest point.

The general appearance of the valley is that of an extended plain composed of alluvium, and this opinion would obtain in the mind of any person whose line of travel should lead him over the lower terraces of the plain, or what is denominated its bottom lands. It is only by making a transverse section of this plain that we should be able to arrive at any correct conclusions of its structure, and peculiarities of its formation; by pursuing this course, very distinctive and marked features are observable of different periods of elevation to which this portion of the country has been subjected subsequent to its emergence above the level of the sea.

To arrive at a correct understanding of the formation of the "California Basin,"† we must first observe the rocks which form its borders, their character, position and relative age; and in doing this it will be necessary to pass beyond either of its margins to ascertain the facts on which an opinion may be founded.

On the east side of the basin and at the distance of fourteen miles from its border, we find the first out-crop of the primitive rocks, (granite) on hills attaining an elevation of about one thousand feet above the sea. Resting upon this, we find detached masses of sand-stone, which increase to a well defined formation a few miles to the west; immediately below the latter a bed of slate makes its appearance, having a dip varying from thirty degrees to nearly a vertical position, but as the lower hills are approached, the inclination of these rocks become much less. Below the slate, a conglomerate having an argelaceous cement is found, firm in its texture, with a dip corresponding to the other rocks with which it is associated; the pebbles composing the conglomerate are quartz, jasper, granite and trap; at times this rock is highly ferruginous. The components of the rock are made up from rocks found in the mountains to the east, and must have been formed subsequent to the appearance of the older trapean formations of this part of the country.

Succeeding the conglomerate,‡ which by way of distinction, we will denominate *Eocene*, another bed of fissile clay slate and aluminous clay

\* Col. J. C. Fremont.

† Being similar to the London and Paris Basins, this name will be adopted.

‡ This suite of rocks are often confounded with another group, of the same character which appear of more recent date, and are found south of Consummes river only.



occurs, having a thickness of about one hundred feet; these rocks comport in position with the other sedimentary rocks above them, and are found resting directly on the granite, and other igneous rocks far into the interior; in the lower hills their structure is fissile, cleaving with ease over considerable surfaces, while in the eastern parts of the mountains they have often acquired a crystalline structure from contact with other and more recent volcanic rocks, and such as have broken through and disturbed the primitive formation.

On the western side of the valley or basin, the series do not follow in precisely the same order as occurs on the east; the sandstone and slate of the same age is found, but the conglomerate is wanting; if it exists, it is completely obscured from view, except on the west slope of the coast mountains towards the sea, and its occurrence there is a reason for the supposition that it does exist below the other stratified rocks on their eastern slope. Above all the others, the miocene rocks are found disturbed and cut through by the recent volcanic intrusions of that period.

The following then will be the arrangement of the rocks from below upward:

| EAST OF THE SACRAMENTO RIVER. |                 | WEST OF THE SACRAMENTO RIVER.       |                    |
|-------------------------------|-----------------|-------------------------------------|--------------------|
| <i>Primary Rocks.</i>         | <i>Granite.</i> | <i>Primary Rocks.</i>               | <i>Granite.</i>    |
|                               | Slates.         |                                     | Slates.            |
|                               | Conglomerate.   | Uncertain.                          | Conglomerate.      |
| <i>Sedimentary.</i>           | Slates.         | <i>Sedimentary.</i>                 | Sandstone, Eocene. |
|                               | Sandstone.      |                                     | Sandstone Miocene. |
|                               |                 | Recent volcanic cutting the latter. |                    |

With this arrangement of the stratified rocks which pass under the California Basin, it is obvious, that the waters flowing at the line of junction between the sandstone and the slate-rocks below them, must pass under the sides and central parts of the valley, varying in depth at the distance from either of its borders increases.

It must be remembered that the dip of the sedimentary rocks on which the alluvium of the valley reposes, will increase or diminish the distance that may be necessary to bore for obtaining water, as the inclination of these rocks is greater or less; and with the view to demonstrate if possible, (or at least approximately) the depth that it might be necessary to sink in order to obtain a plentiful supply of water for agriculture or other purposes, an examination of both borders of the basin was made of fifty miles in length, and the mean of all the dips taken.

It was found by measurement that the surface of the basin rises at the average rate of six feet per mile from the river to either of its borders. Taking the grade of the surface with the lowest average dip of the rocks where they pass under it, (being equal to twelve degrees,) and assuming that the sedimentary rocks decrease in inclination, as the distance increases, which is probably the case, it will be found necessary to



reach the depth of 775 feet at the City of Sacramento, in order to obtain a permanent supply of water.

This presumption is based upon the fact that a constant source does not exist above the conglomerate, and this point is selected more for the purpose of exhibiting the greatest probable depth at which a permanent supply of water would be found: the probabilities of obtaining water at much less depths is strong, and amounts to almost a certainty, that water would be found immediately below the sandstone, and above the first slates: in that case the depth would be diminished about two hundred and fifty-feet.

If a correct idea of the inclination of the sedimentary rocks is presented in the diagram, we shall have the following depths at different distances from the centre of the basin, on both sides.

ON THE WEST SIDE OF THE RIVER.      ON THE EAST SIDE OF THE RIVER.

|               |           |                      |           |
|---------------|-----------|----------------------|-----------|
| 11 miles..... | 700 feet. | Sacramento City..... | 775 feet. |
| 15 " .....    | 650 "     | 12 miles.....        | 700 "     |
| 22 " .....    | 550 "     | 17 " .....           | 650 "     |
|               |           | 20 " .....           | 625 "     |

At the distance of twenty miles the rolling hills are entered in which springs usually abound.

The rocks on both sides of the valley are arranged in the order in which they occur, as observed by the outcrop.

|                   |         |                              |
|-------------------|---------|------------------------------|
| Sandstone,        |         | Sandstones and upper Slates, |
| Slates,           | Eocene, | Conglomerate, Eocene.        |
| Fossil Sandstone, |         | Lower clay Slates.           |
| Trap,             |         | Granite.                     |
| Granite,          |         |                              |

These rocks included within the Eocene lines are classed by Mr. Dana, as the early sandstone, slates, and conglomerates, to distinguish them from the more recent tertiaries among the Coast Mountains.

The geological structure of this basin was noticed by Mr. Tyson in 1849. He examined it with a view to ascertain whether a deposit of coal might not exist below the surface: and also whether its structure would indicate the means of supplying water for agricultural and mechanical purposes.

In regard to the first question he says: "The first query is answered by the fact of finding the comparatively recent strata of a formation, not older than the eocene and miocene periods, resting immediately on the metamorphic or hypogene rocks of ancient origin, the remaining members with all the sedimentary rocks of older date being entirely wanting, and the coal formation, which belongs to the lower of the secondary series." A coal formation under the basin is therefore out of the

question, unless deeply seated, and entirely covered, edges and all, by the sedimentary rocks above noticed.

The character of the soil in many parts of this valley will render it of little importance as an agricultural district, unless water in ample quantities for irrigation can be obtained. (These remarks apply particularly to the upper terrace of the valley on each side of the river.) And we hope that attention may be called to this very important subject of making the extensive areas of the arid districts of the basin available for market and agricultural purposes."

Experience has demonstrated the almost certainty of obtaining water and in sufficient quantities for agricultural and other purposes, in all valleys resting upon sedimentary formations and having a basin-shaped structure, and where the different beds have a degree of uniformity or regularity in their position, and are of a texture that will admit the free percolation of water through the superior beds and sufficiently firm to prevent its escape in those below.

These conditions are all fulfilled in the basin of the Sacramento, and from the united testimony of different observers, we have ample evidence that the sedimentary formations of one side are the same as those upon the other, with the exception, perhaps, of the conglomerate.

The absence of the conglomerate on the west side of the basin, will not affect the result of obtaining water by the means proposed. The clays and clay-slate, below the sandstone, appear on both sides and are sufficiently impervious and firm to prevent the escape of any water that may rest upon them.\*

## REVIEW OF THE GEOLOGICAL CHANGES IN THE COAST MOUNTAINS AND MONTE DIABLO RANGE.

Having briefly detailed the more general characteristics of the geology of the above mountains, it will become necessary to review in a measure the geological changes that have been instrumental in producing the peculiar features noticed in the preceeding pages; in doing this the same lines will be followed as in the outset.

Starting from the Straits of Carquinez, it has been stated that the rocks forming the borders of those Straits and part of the adjoining bays, were composed of a recent sandstone; in following up these in a southerly direction for a few miles, we find the sedimentary rocks thinning out, and are succeeded by high hills and low mountains of volcanic rocks, composed of trochytes and other intrusive rocks of recent date. These are followed by the primitive rocks, composed of the older trap, and in the vicinity of Oakland, consist in a great measure of serpentine.

The latter rocks form the western side of this part of the *Monte*

\* Since October last, there have been three Artesian borings, carried to depths within one hundred feet, on the valley of Santa Clara, and in the vicinity of San Jose. The result of each has been successful, and a head of water from four to nine feet has been obtained. These indications of water so near the surface and in such quantities, will much enhance the value of agricultural land throughout this valley and render available much that would otherwise have laid uncultivated and unimproved for years.

Diablo Range for thirty-five miles, where a district of the recent volcanic rocks is again entered, which continue to the head of the Cañada San Benito and San Juan, for a distance of about eighty miles.

Returning on the Gabilan spur of these mountains, and which form the eastern boundary of the Salinas Plains, the primitive rocks are met with for twenty-eight miles, flanked on the east by the recent igneous rocks of the same age as those appearing at the Santa Anna peaks, twelve miles to the east; (during one of the convulsions that agitated this part of the country, about four hundred feet of the Galiban Peak, on its northeast side, was fractured and thrown down into a deep ravine at its base,) intrusive dikes have had the effect to change the sedimentary rocks when found in contact with the same.

In the Coast Mountains to the west, the granite and serpentine series are predominant, and on these rest the sedimentary rocks, of early and recent date, unchanged generally, except in local position.

Crossing the Pajaro Valley and entering the Santa Cruz Mountains, the main ridge is composed of the granite and serpentine rocks on which rest the fossiliferous formations as those above mentioned. The primitive series extend north into the County of San Francisco, but unlike the formations in the County of Santa Cruz; no tertiaries, containing fossils, are to be found, except in the sandstone forming the point to the west of the North Beach, and here the *Pholas* and some other shells of present existing species are found. South of the city the trachytes have intruded through the slates, producing considerable disturbance both by uplift and change of structure in the latter; on the north side of the city, similar features are to be seen, but on a more extensive scale; among the deep excavations which have been made about Clark's Point, it is found that the stratified rocks have been tilted from the horizontal position, and in some cases twisted and contorted into every conceivable position; at one time presenting a wave-like form, and in the distance of a few yards, passing from this to high angles or verticality.

Northwest of the Telegraph Hill the active causes of this diversity in the appearance of the rocks is seen. Nearly on a line with Dupont street, and fronting the bay, is a dike of the trap rock, passing up through the sedimentary rocks above. A change of structure in the sandstone in contact with the dike is observed.

This class of rocks (the volcanic) occur at frequent intervals along the bay coast on the west side, and thence into the valley of the Santa Clara. At the distance of four miles south of San Jose they form the low hills that protrude into this valley from the western side, and which are continued at intervals to the arroyo Llagos, a distance of thirty miles beyond.

In none of the lower hills on this side of the valley are the volcanic rocks found in contact with the sedimentary formations, until after passing the above arroya, and then only after first breaking through fissures in the primitive rocks after reaching the Pescadero.

The intrusion of these rocks among the primitive series is marked by a discoloration of the rock through which the dike has passed, sometimes of several inches in breadth on each side of the volcanic vein; this is more particularly observable where the disturbed rock is of the granite class; in that case it usually presents a brown, or reddish brown color, and is decidedly more given to decomposition than at a short dis-



tance from the intrusive material. The slates and sandstones when thus acted upon assume either a sub-crystalline or completely metamorphosed structure, and comport themselves in this particular much in the same manner as similar formations on the west slope of the Sierra Nevada.

The area covered by the metamorphic rocks in the Coast Mountains is not as extensive as those of the mining sections, but the changes, when they do occur, are equally as perfect and complete. The most extensive change of this character noticed among these mountains was that on the Alameda Creek in Sunol Valley, eight miles north-east of the Mission San Jose, and again after crossing this valley on the road to Livermore's. The slates on the creek were changed into a hard, compact rock, for the distance of one mile, and three-fourths of a mile beyond they had assumed a porphyritic character.

Following this series to the right of the road, among the hills which divide Sunol's from Livermore's Valley, the greenstone-trap became largely developed, with basaltic fragments among the drift of the arroyas. On the east side of Livermore's valley the fossiliferous rocks again made their appearance, and continued south for eight miles, beyond which to the south the mountains were not examined.

The classification of the rocks in these mountains according to their relative ages will follow as next in order.

#### CLASSIFICATION OF THE ROCKS OF THE COAST MOUNTAINS AND MONTE DIABLO RANGE.

Our most northern point in this case will be Bodega Head and a line forty-three miles north of Napa City, and in this case shall avail myself of that part of Mr. Tyson's report on this part of the country, and which is contained in Senate Doc. No 47, 1st Sess. 31st Cong., this being the most northern geological section yet made.

By reference to his section, we find that the primitive rocks occur as far north in the Coast Mountains as the above locality named, and that the rocks of sedimentary origin are found to rest directly on the primitive rocks for a considerable distance east from the coast line.

After reaching eight or nine miles from the coast, the recent volcanic group succeeds the primitive, when the latter is again replaced in the hills bordering the western edge of the basin; from this view of the case it appears that all the rocks of this section are similar in their positions with those detailed farther south.

Commencing with the lowest in order we find :

FIRST.—The granite series and serpentines; on these rest the older sedimentary rocks.

SECOND.—The more recent volcanic rocks. These are more largely distributed through the Monte Diablo Range. They consist of trachytes and lavas, and have protruded through all other formations that preceded them. These rocks form at least three-fourths of the mountain range extending from Point San Pablo to the head of the Cañada San Juan,



beyond which the primitive rocks again occur, and continue to the extreme southern point visited.

THIRD.—THE TERTIARIES. These complete the formations found in these mountains. For convenience of description, this class will be sub-divided into the different periods to which they belong. They will occur as follows:

| PERIOD.        | GROUP.  | WHERE FOUND.                                                                                                                               |
|----------------|---------|--------------------------------------------------------------------------------------------------------------------------------------------|
| Eocene.        | Middle. | Calaveras County, at Murphy's, and other localities.<br>Bones of extinct animals, &c.                                                      |
| Miocene.       |         | North and south of San Francisco in the Coast and Monte Diablo Mountains.<br>Consisting of marine shells with most of the species extinct. |
| Pliocene.      | Lower.  | Coast Mountains and Gabilan Spur. Also in cavern deposits in Calaveras County.                                                             |
| Post Pliocene. |         | Southwest of Monterey.<br>Marine shells, all of existing species.                                                                          |

## POSITION AND RELATION OF THE VOLCANIC ROCKS TO THE TERTIARIES.

Before entering upon a description of the relations of the recent volcanic group with the primitive rocks, it is thought best to examine their positions and effects, among the sedimentary formations, both ancient and modern; in order to elucidate more distinctly the difference in age, of another group of the volcanic series, which have been described as having been cotemporaneous with those under consideration, and of which there is some question.

The examination of the Coast Mountains has shown us the fact, that those forces on the west side of the basin, which have been instrumental in elevating the range, have had the effect to produce a series of continuous and nearly parallel ridges, throughout the greatest portion of their length; this peculiarity will force itself upon the observation of the traveler if they are crossed at almost any point transversely to their course.

In many parts of this range, the ridges are narrow, and the declivities steep, and the higher isolated peaks are conical. On the summits of these ridges, there are often to be found nothing but bare volcanic rocks which are mostly of a trachytic character; on the sides of some of the hills, which are less abrupt, are to be met beds of sandstones and at times a few slates which from their nature modify and soften the rugged contour of the surrounding country, by their easy disintegration from natural causes.

The sedimentary rocks, as far as observed in this part of the State, are, without exception, of marine origin—the fossils they contain being

of that character exclusively.\* In some parts of the country they form beds of considerable thickness, and are rich in organic remains. In some parts of the mountains, the shells are of present existing species, not found upon the coast at the present time; these consist of three or four species of the *Arca*, and one or two of the *Pectinea*; these rocks are commonly found resting upon the primitive series, though at times on some of the more recent igneous intrusions. It is considered very doubtful by our conchologists in this part of the world, whether the living shells of the above species now inhabit these waters; and yet these imbedded remains are found in abundance on the summits of our hills, removed many miles inland from the element they formerly inhabited.

The fossils of this part of the Coast Mountains, and which now appear to be extinct, consist of three species of the *gryphæ*, two at least, of *Pectinea*, *Astarte* and *Cytherea*, the species of which will be noticed more in detail in another part of this report.

The position of the miocene rocks in the northern part of these mountains, appears to be directly succeeding the primitive; yet it is found often that they rest upon the trachytes; in all cases that have met my observation, the latter rocks when thus found in contact with the sedimentary group of this period, have broken through fissures in the primitive formations, subsequent to the elevations which occurred during the miocene and middle pliocene periods, or perhaps during the deposition of the latter. The trachytic rocks north of Napa, where they leave the sedimentary group, gradually pass into vesicular lavas, and in these sections considerable quantities of obsidian are to be met with; the Indians in the vicinity of Clear Lake use it for the manufacture of their arrow-heads.

Again, on the shores of Suisun and San Pablo bays, and on the Straits Carquinez, these igneous rocks are found injected into the seams of the sandstone, contorting the strata to a considerable degree. West of these bays the primitive rocks occur at intervals for several miles, and the fossiliferous rocks are found holding the same position as those further north. These alternate intrusions of the trachytic rocks continue south among the mountains on the east side of the Bay San Francisco, and for thirty-five miles beyond its southern extremity; after this they pass into porous lava, and compact masses, ceasing to present any traces of fossiliferous deposits resting upon them for forty miles on this western ridge; after this they again (the fossiliferous) make their appearance in small detached masses, which gradually increase to a well defined formation beyond.

These rocks in many instances are found to rest upon the recent volcanic series direct, and in these cases we find, as may be expected, a corresponding change in their structure, often to an extent that has obliterated every trace of organic remains; while in other cases, where the fossiliferous group has been protected from the more direct influence of the later igneous series by the intervention of any of the primitive

\* The lacustrine deposits discovered during the past summer by Mr. W. P. Blake, on the desert of the Colorado are the first fresh-water formations found in this country.

formation, the fossils remain very entire and no change in structure is observable, except where the trachitic masses have broken through both.

Among the hills south of Monterey, other evidences of recent elevation from the intrusion of recent igneous rocks are found; and these occur among that group of sedimentary formations which have been denominated as the *post Pliocene*; (see Table,) these are found on the Carmello Creek, three miles above Meadow's Ranch, where the fine grained sandstone, containing impressions of existing crustacea are found resting upon the granite, but tilted from their former horizontal position by intrusion of recent trap rocks from beneath. This same feature is noticeable north of Monterey, and into the Santa Cruz Mountains, where the marine formations of the Pliocene period are found elevated to different heights above the sea, for miles interior from the present coast line. With these facts before us, it will be impossible to arrive at any other conclusion than that the volcanic series of which we have been speaking, has been continued into a period comparatively recent, and was the active agent in producing those disturbances so manifest throughout those portions of these mountains under our consideration.

An interesting feature in the geology of the eastern part of the Monte Diablo range has been developed during the past season, by the officers of the United States Land Survey, which is worthy of note, as illustrating the mutations which have been going on in different parts of the country, and has served also to fix the age of districts hundreds of miles remote from each other; the marine shells brought into the Survey office by Mr. Von Schmidt, from the hills bordering the west side of the Tulare Lake are found to be identical with those obtained from the Buttes on the Sacramento Valley; among the fossils are found the *Area*, of which there are three species, with two species of *Cardium*, differing from any found in our waters at the present time.

The surveys of the United States Rail Road Exploring Expedition, under command of Lieutenant Stoneman and Williamson, on the desert of the Colorado has been the means of eliciting much valuable information of that almost unknown and desert waste. The personal and attentive examinations of Mr. W. P. Blake, geologist of the exploring party has opened a new field for investigation in addition to those already existing in other parts of the State. The old water line of the Gulf of California has been traced with unerring certainty for a long distance into the interior, and the fossil remains of marine animals and shells are found promiscuously mingled with those of fresh-water origin, which subsequently occupied the place where the waters of the Pacific formerly held undisputed sway. The discovery and demonstrations of those interesting changes in the elevation of the interior of this part of the State above the level of the sea, with its recession from natural causes, reflects much credit on the discrimination, and careful judgment of Mr. Blake, and must be regarded as a great acquisition to our very limited stock of knowledge respecting the absolute condition of that extensive portion of the interior. Among all those who have preceded him in crossing this "Jornada" at different points, not a word of information has been elicited from which not even a probability of its true condition could be gleaned; until the present time it was a blank in the geological history of this part of our continent; how



far beyond the line of travel to the east, of where this expedition left it, it may extend, is equally as uncertain as was that portion of the ancient sea-beach, and bottom, over which the United States exploring party traveled the past season. The facts which have been gleaned from this interesting region will appear in the forthcoming report of the expedition, and from what little is now known of their operations, the parties in charge of its several departments have manifested a determination of purpose and assiduity in collating reliable testimony of this hitherto unexplored and unknown waste.

Our present information of this remote section of the State, exhibits in a still stronger light, the mutations to which the surface of the country has been subjected, and which are probably persistent at the present time; to what period the changes of this district are particularly referable will not be known probably until the following year, but enough has already been developed which leads to the inference that the sea has receded since the commencement of the tertiary era.

### VOLCANIC ROCKS PRECEDING THE TERTIARY ERA.

On a preceding page it was observed that a suite of rocks which are often confounded with the recent volcanic group, existed in the Coast Mountains, these rocks and their peculiar position will be noticed at the present time.

Following the west side of the Valley of Santa Clara, from the arroyo Francisquito in a southerly direction, a range of low hills, generally barren in their appearance, is found, which protrude themselves into the valley nearly at right angles to its course. The range of hills were examined for the distance of forty miles, and in no instance, I believe, was there a trace of any one of the sedimentary formations to be found upon them. In this particular they differ much from the other volcanic series, either north or south of them, with the exception of those of the Santa Anna range.

Their naked and rugged aspect on the west side of these hills with their peculiar local position leaves but little room for doubt, but that they are the remains of the summit of ancient craters, elevated above the surface of the then existing sea, prior to the deposition of the marine formations which occur in other parts of the mountain range.

This suite of rocks have evidently found their way to the surface through the primitive rocks of this district, as it is found that they cut the latter in several places in the form of dikes, while the debris of both are found to enter largely into the components of the valley in which they are situated. Another evidence, which lends confirmation to this belief, is the fact, that had the emergence occurred at any time subsequent to the tertiary era, we should have seen *some* traces of such a fact in the elevation of those rocks of aqueous origin. The gradiancy of the entire northern portion of the valley Santa Clara will also be found incommensurate with such an extensive series of disturbance as must have occurred at the period when these hills were elevated above the surface. The narrow limits within which they are situated, would have received an inclination much greater than that which the surface now presents,



had their intrusion corresponded with those of a similar character found among the sedimentary rocks on every side of them. Our evidence that these rocks hold an age anterior to the tertiary, rests in part on this fact: that if the change of position, which the latter rocks have suffered in adjoining districts bear any testimony of the maximum of disturbance among them, we should find *some* corresponding changes of similar character had this volcanic group been of the same age.

In all other parts of the coast mountains, wherever volcanic rocks occur, in masses or dikes, cutting either sedimentary or primitive groups, the evidences of uplift are conspicuous, and either a high uniform grade, distinct undulations, or a terraced form of the valley sections, mark the extent and character of the forces exerted over such areas: while in the case before us, we find the valley adjoining these igneous outbursts maintaining its level to the very base of these volcanic hills. Were there any differences observable in the inclination of the surface of the plain, taken from its northern to its extreme southern point, there would be some reason to suppose that the group under consideration was more recent than the tertiary era.

Passing to the west of these hills, we find the same undisturbed condition of the surface, extending to the base of the Santa Cruz, and you meet with nothing that would in the least indicate any subsequent alteration in the general level until you reach their eastern base: and here, for the first time, a narrow terrace is found, its face rising rather abruptly for twelve feet, and then very gradually for eight feet more, being nearly level from thence to the mountains, a distance of one-fourth of a mile. So little disturbance is manifest in the half formed conglomerate, of which it is formed, that it must be looked upon as having been gradually elevated by forces that have acted equally, and at the same time, on both the older igneous, and recent formations of this section, and the forces that thus gradually operated in producing these phenomena are unquestionably persistent at the present time.

### MOST RECENT VOLCANIC ROCKS OF THE COAST MOUNTAINS.

Under this head, a brief description of a class of rocks differing essentially in relative position, lithological character, and general effects on the surrounding country in which they are situated, from those noticed in the preceding chapter, will be given. The section of the country through which they may be observed, has been stated to extend through about forty miles in length of the Monte Diablo Range, and make their appearance in the Santa Anna Picachies, on the south-east border of the Santa Clara valley.

In examining this group it was found, that they consisted principally of compact and vespicular lavas, having different degrees of firmness and texture.

A conspicuous and striking feature of these rocks is found in their connection with other formations, both igneous and sedimentary, and in the case of the latter class they are seen to have acted directly upon them, elevating the same to different altitudes above the sea level. The

former rocks form the principal ridge, separating the Pass of Pacheco from that of Santa Anna Pass, (or Cañada Las Muertas), and present a very rugged and conical outline at a short distance. They were probably the grand centre of those recent volcanic disturbances that were in action during the elevation of this part of that mountain range. The higher peaks are composed of trachytic masses, while the lower hills contain immense quantities of the vesicular lavas above noted; from the position which the latter occupy to the former, it appears that during the later periods, when these fires were in action, fissures had been formed in the sides of the two principal craters, through which has flowed large quantities of the fluid masses: one of these dikes cannot be less than eight miles in length and ran in a northerly direction.

At the Santa Anna peaks, the principal crater has, apparently, fallen in during some period of its eruption, and subsequent to this, a large fissure has been formed, probably from the effects of an earthquake, and, perhaps, at the time when the north side of the Gabilan was precipitated into the deep ravine at its base.

North of the latter mountains at the distance of eight or nine miles, is the elevated peak known as "Pacheco Peak," which is a true volcanic cone, and in the ravines to the north of this crater, the Indians of this section of the country obtain obsidian for the manufacture of their arrow heads; to the north-east of the mountain a large dike of lava, similar to that noticed above is found, which appears to have flowed through a fissure very nearly down to the base.

South of the Santa Anna, the tertiary sandstones of recent date appear, resting directly on this class of volcanic rocks, and bear every evidence of having suffered their principal disturbance from these agencies; the almost complete metamorphosis of the sedimentary group is a proof of this; and the evidences of comparative recent action is found in the fact, that the organic remains found imbedded in these rocks contain a large per centage of present existing species on the coast.

It will be apparent that a difference in the age of that group found in the preceding chapter, and the one under consideration will be manifest, from the fact that in the present case the most recent of the aqueous rocks have been disturbed and elevated since their formation, while in the former group of igneous origin, no features of this character are observable. The vesicular character of the group under consideration and the trapean character of the others, is also a distinctive point that would place each in a different period as regards their age; the older group have every appearance of what has been termed the "primitive trapean rocks" found in some parts of the Sierra Nevada, and which could not have held an age but little posterior to the older rocks of the Eocene, as they are found not to have disturbed the middle group of that period.

The tertiary groups of the Coast Mountains consist of the miocene, pliocene, and post-pliocene periods; the eocene rocks being entirely absent as far as yet examined; it is also found that the miocene rocks do not extend on the coast line beyond a point sixteen miles north of Santa Cruz, and that south of this point the pliocene series predominate. This fact then once established affords a clue by which we are able to

determine to a certain extent the age of the volcanic series which has disturbed them, and fixes that age posterior to the formation of the latest of the groups.

### CHANGES OF LEVEL AND RIVER TERRACES.

The valley sections of this State present a general uniformity of character in their superficial structure, wherever found: their surfaces are distinctly marked by a regular series of minor elevations, which give them the terraced form so peculiar to those sections. The face of these terraces are of different heights, and the surface of each is found to have a gentle inclination toward the streams that flow through them. In some parts of the "great valley" there are to be seen a range of hills having flat summits, which on examination are proved to have been the shores of an inland sea: these usually arise from the higher portions of the upper terraces, and where they are found near the borders of the plain, they present often trifling evidences of excessive subterranean action. These "tables" when found on the immediate borders of the plains, do not appear to have participated in the more violent disturbing forces found in the interior: they are usually from four to five hundred feet in height, while those farther to the east attain an altitude frequently of more than two thousand.

Immediately succeeding these, the first terraces of the valleys appear, and from the observations of different travelers, we learn that they are continuous into the Territory of Oregon, and probably beyond that point; while south of California their existence is known to the northern boundary of the Province of Sinaloa in the Republic of Mexico. In these we see the evidences of gradual and probably persistent elevation over an extent of country nearly two thousand miles in length, and in the present state of our knowledge, must be regarded as part of one of those great continental elevations that has occurred during the comparatively recent history of the world. This State is situated nearly in the centre of this line, and from its position must partake to a greater or less extent in all the general changes of level that may occur on either side of it; and all observations which have been made within the last ten years have only tended to confirm this fact.

Mr. Dana who has given more attention to the formations of the valley sections of the Pacific Coast, and who probably had better opportunities for observation from San Francisco to the north, in speaking of them, says: "We traced these terraces from the Cowlitz to the mouth of the Sacramento, along many of the smaller streams as well as the rivers. There appears to be but two ways of accounting for these terraces, either lakes have existed along the rivers, which have burst their barriers, or the rivers have excavated the country in consequence of an elevation. The existence of lakes throughout a whole country, connected with all its rivers, is highly improbable, and requires for its proof the strongest evidence. Rivers cut out their channels by a gradual process, as a country is raised above the ocean, forming with few exception a complete drainage for the land. Lakes could not exist, therefore, to the universal



extent implied by the facts, except, perhaps, as a sudden rise of the land from the ocean.

"The formation of such lakes by an abrupt elevation in a region having the ranges of heights parallel with the coast, is certainly a possibility. But the water to make the alluvial accumulations, must be running water, and be in operation in its channels a long period. And how long would such lakes exist after an elevation? If the violence attending a change of level did not open for them at once a passage, the accumulation of water during a single flood would break a passage through such soft sandstone beds as occur at the mouth of the Sacramento."

These terraces occur on the Sacramento to the distance of one hundred and fifty miles from the sea and at this point they were as high above the level of the river as at any point lower down, and have nearly the same elevation in all parts examined above the existing level of the stream.

The flats are several miles in width, and until reaching Carquinez Straits, no other place for a barrier could have existed. In this place a permanent barrier of at least four hundred feet in height would have been required, to set the water back so as to cover the upper terrace one hundred and fifty miles above the mouth of the river, and in the second place, the lake should have a surface slope like the present bed of the river, for this is the fact with the land of the terrace—of course an impossibility. Wherever the bed of the stream was four hundred feet above the level of the sea, there the terrace should disappear; in place of which they attain an altitude of seven hundred feet at the distance of two hundred and twelve miles from the head of Suisun Bay.\*

It is therefore impossible that one or many lakes should accomplish the results we have before us; it is the proper effect of river floods, and the terraces must be received as indicating a change of level in the country.

Was this change of level an abrupt one, or was it slow and gradual? This seems at first, a question easily answered. We may best understand it by considering the changes that would take place during the elevation of a region of alluvial flats. If a country rise abruptly, the river will commence to work itself to a lower level, and proceed with rapidity, ending finally the very gradual slope of ordinary rivers, having a descent of one or two feet per mile. At the same time, in the season of floods the river would wear into the former alluvium (now its banks) and widen its surface; and this widening would go on at each succeeding freshet till the river had a new lower plain on its borders.

But would not the effect be the same during a gradual rise. As the country rose slowly, the excavation of the rivers bed, and lateral widening during freshets would go on gradually with the same results, producing a deeper bed and a new lower flat, both of which would change as the change of level progressed, and in case the lower flat resisted removal in any part, the portion left standing would form a subordinate

\* I have in my possession at this time, specimens from this highest terrace, which is found on Weaver Creek, Trinity County. They were taken from different depths of a shaft which has been sunk through the alluvial deposit *eight hundred feet*; the different strata found though are composed of clay, gravel and sand, in nearly all of which, gold has been found throughout.



terrace between the upper level, or that of the plain before the rise began.

A terrace slope may thus be formed by a gradual elevation, and also without any intermission in the process, there might be intermediate terraces in some parts of the same region. A river terrace then, in an alluvial district cannot be considered an evidence of abrupt elevation of country in which it is found, the more especially if a uniform slope is found upon its surface.

The district south of San Francisco in which extensive valleys are to be found comport themselves in all general features with those found on the Sacramento and thence into Oregon. On the south part of the Santa Clara Valley, beyond the ranch of Cruz Cervantes, the terraced form of the valley is clear and distinct; in this place there were but two of these flats observable—that through which the San Benito flowed, had a rise of nine feet above the level of the creek, while the higher terrace to the east rose very abruptly eighty-five feet above the former. The surface level had an inclination of twelve degrees from the base of the Santa Anna Mountains towards the west; the river flowed upon the western side of the valley entirely.

Two successive terraces were found on the Pajaro, the upper one still retains the marks of tide water upon its surface.

The Salinas Valley exhibits the terraced form in a marked degree, and its inclination of surface from the east toward the west corresponds very closely with that just noticed as occurring on the south part of the Santa Clara and San Juan. The number of terraces on this valley are three, and have a varying width of three to five miles, the slope of each surface is gentle and smooth throughout the entire length of the plain. It differs from the Sacramento or San Joaquin in having but one line of inclination or dip, the others have a dip from each border toward their centre, thus giving them their basin-shaped structure. The slope of the Salinas appears to have been acquired from the recent volcanic agency that formed the Santa Anna Mountains, and those to the north as far as Pacheco's Peak; on examination it is found that the dip of all the sedimentary or stratified rocks of this part of the country correspond in direction, and that the dip decreases as the distance from that centre increases. The Post Pliocene rocks of the Carmello were disturbed at this time, and the entire range of sedimentary rocks of recent date, throughout the Coast Mountains in this section of the country have suffered in a similar manner, and undoubtedly from the same cause.

From the peculiar features manifested in the formation composing the Coast Mountains, as noted in the preceding pages, and the more recent causes of disturbance which have acted in this part of the range, as is found in the modifications of level extending through the valleys above noted, and the intervening mountains between these valleys; it will appear very doubtful that any formation containing mineral coal will be found. The forces that have acted on this part of the country and have elevated the different rocks found on the mountain sides, have as yet developed no member of the secondary series, in which the coal formations are found; but like the mountains to the north, both in the Sierra Nevada and Coast Mountains, nothing above the primitive is to be seen,

except the tertiaries, in which no coal beds of extent have yet been discovered.

From a careful examination of this part of the country, with this object in view, I feel no hesitation in saying that coal will not be found in any part of the Coast Mountains south of the thirty-fifth parallel of north latitude; what there may be south of this point, I know nothing having never visited it.

It is not unfrequent in passing over the country to hear of *beds of mineral coal*; during the past season I have visited four such localities, and, as was anticipated, each of them proved to be merely small beds of lignite, and two of them hardly deserving that name. One of these deposits proved to be but a bed of leaves, having a thickness of about three inches, resting upon a tertiary sandstone containing marine shells, and covered with twelve feet of a sandy alluvium. This is one of those coal beds which has figured so largely in the public prints of the State during the past year, and has induced several gentlemen to pay the locality a visit, and to return as deeply disappointed as their previous anticipations were elevated.

The report of coal veins in the Coast Mountains must be received with many grains of allowance, and at the best, none but tertiary deposits will be found, and these, even should they exist, would be capable of supplying but a limited demand, and that usually of an inferior quality.

#### SOILS OF THE VALLEY SANTA CLARA AND SHORES OF THE BAY SAN FRANCISCO.

The character of mountains on the borders of valleys, afford a good criterion to judge of the capabilities of the soils found at their base. It is therefore not difficult to form a correct opinion of the constituents of a soil, once knowing the nature of the rocks in adjoining sections, and consequently their adaptation to the various purposes of agriculture.

The more rapid disintegration of some classes of rocks compared to others, will form a striking feature in the productiveness of the soil with which they enter as a component part, their chemical constituents, adapting them to agricultural employment, or rendering them totally unfit for these purposes, without the addition of some agent not found as an integral of their composition. It is therefore not surprising that in passing over a range of valley, or mountainous district, to find so many and diversified features presenting themselves often in adjoining localities; it is not unfrequent to find a perfect transition in the indigenous productions of the soil, occurring in the distance of a few hundred yards.

These peculiar features are best exhibited among the native grains and grasses, and occur alike, on the valley bottoms or on ascending a hill-side. Thus, on ascending a hill, at whose base may be found a calcareous rock, resting on any one of the plutonic series, the native product at the base, and within the direct range of the limestone, may be the wild oat, almost as soon as these rocks are passed, and you enter the granite or trapean group, the cereal ceases to grow, and is replaced by the native grasses in some of their varieties, or if the rocks succeeding

the former, should belong to the serpentine group, a useless shrub will often be the resulting growth.

Equally as perfect and marked are the phases presented on the valley bottoms alone; passing through the same transitions as above, and on an examination of the sources from which the soil has been derived, it will be found that the mineral constituents of both sections presenting those changes, will differ in a material degree. Take the upper terrace of any one of our large valleys, and by following this to a lower terrace, the first principal change occurring will be found near the junction of the former, with the latter, and thus as it recedes from the former, will be found productive of a widely different and greater variety of plants than the hill-side or upper terrace preceding it, and the native productions of these, not unfrequently disappear entirely.

Another feature equally interesting and instructive, is found in transitions of the varieties of production on the same line of valley, which has derived its soils from the same suite of rocks, this might easily be mistaken for a change in the mineral constituents of such soil, which is not the case, but the modification of growths in this instance are attributable to the more uniform and equal distribution and communication of the material composing the soil, thus rendering its chemical constituents better adapted to assimilation, and the consequent production of variety as well as quality and quantity.

The soils on the Bay San Francisco differ much on its eastern and western sides; both borders of the Bay present the tertiary series, but both do not present the trapean rocks to the same degree of development; this, then, of course, will cause a distinctive and marked difference in the productive capabilities of either shore. It will be found that in all the soils which have been derived, in whole, or in part, from rocks more recent than the tertiary group, that a more extensive and varied adaptation to agricultural purposes will be present: this will be particularly manifest in those sections where the tertiaries, containing organic remains, enter somewhat largely into the components of the soil produced from such sources.

We often meet an extensive and even tract of country lying at the base of a range of hills of the character named above, which are found not to possess so high a degree of fertility as an adjoining section, yet both have derived their soil from the same sources; it becomes not only interesting but important to ascertain the cause of such a discrepancy, and an attentive examination will often point out a natural obstruction of a mechanical nature which has thus been the cause of the impoverishment which may be present. In this case a barrier will often be found among the foothills which has prevented the uniform distribution of the disintegrated rocks above, rendering the plain within its line less productive, rather than the introduction of any new agent, except, perhaps, that derived from the rocks forming that barrier, the amount of which would be inconsiderable, compared to the mass of alluvium beyond.

In illustration of this a single case only will be mentioned. On the Valley Santa Clara a few miles east of San Jose, the mountains are capped with fossiliferous sandstone for miles in extent, north and south.—On examining the slopes of these hills and the broad ravines among them, a rich and deep soil was found to cover the whole, and the veg-



tation growing upon them bore a just relation to the character of the ground on which they flourished. Passing to the westward toward the valley it was found that the same character of soil continued to the first hills rising from the plain, these bearing an altitude of one hundred feet above its level. On reaching the summit of these hills, the rich, mellow soil to the east instantly gave out, and in its place a heavy, clayey covering was found upon the surface for a considerable distance into the valley; this transition occurred within so short a distance that I was led to examine more particularly the cause producing it, and accordingly followed the line of these hills until an outcrop of these rocks were found; they consisted of aluminous and chloritic slates, having a high inclination and dipping to the west; from their position they presented a perfect barrier to the passage of the richer soil of the hills passing on to the valley in any other junction than north and south. As far as this line of slates extended, the valley beyond partook, in a greater or less degree, of the character that would be produced by their disintegration, and ill adapted generally to purposes of agriculture unless by artificial application of reclaiming agents and tillage. As soon as the slates began to disappear in the foothills, the character of the soil on the plain beyond assumed a different appearance, and a marked and corresponding change in its vegetable productions.

A mechanical impediment simply is the cause of unproductiveness in such cases, and in instances of this kind, the remedy usually abounds in abundant quantities and at short distances from the points where it may be required.

On the south-east shores of the Bay San Francisco, there are large areas of land that at the present time are considered useless for agricultural purposes, from their low position and semi-argillaceous character; they have often been denominated "mud flats," and heretofore have been considered unadapted even to grazing for sheep. These flats generally extend (toward the bay) one or two miles from what are considered available and good agricultural lands. Their general appearance to the passer-by is such as would not be likely to impress a person very strongly in their favor, as lands retaining much fertility, but from their superficial appearance would be regarded as a poor representation only of a salt meadow, productive of little else than the common samphire. But such is not the fact and if experience and experiment have any value or weight, they will be thrown in the balance to the favor of those lands; experiments have been made during the past season on these sections, which cannot fail to convince us of the fact, that the opinions heretofore entertained respecting the available character of a large portion of these districts, are entirely erroneous. A single experiment illustrating their capacity for production if properly tilled, will be given.

Near Uniontown, in the County of Alameda, several acres of land, producing the *samphire* on their flats, was broken up and planted to corn; in one case it was sowed in drills; the corn continued to flourish until September which was the last time I saw it; and at this time the stalk of that in the drills had acquired an average height of about nine feet. On the south side of the arroya Alameda another field was planted in hills, which was equal, if not superior in height. The soil, when broken up, is rich and highly productive in other grains, notwith-



standing the meagre appearance it presents prior to tillage, and will in a few years be as successfully and largely cultivated as any other of the valley sections. The *saline lands* of the interior sections are also of the same character, to a certain extent, and if properly tilled are equally productive. Near the rancho San Felipe, Santa Clara County, a similar circumstance was met with: the corn grown upon these lands was being harvested in September and produced a full and well-formed ear, proving not only adaptation of soil, but climate—for the production of this staple in California. The latter case, the lands were 225 feet above the sea, and the field on every side except the south-east was covered with a thick growth of the salt grasses and other kindred plants (sammiphire) and when free from water the lands were covered with a saline incrustation.

Under a proper course of treatment these lands will be made available for the purposes of the agriculturalist, and our already large domain of arable lands thus much increased. The situation of these lands in the interior is such, that they may be easily reclaimed should they ever fall within the jurisdiction of the State, which undoubtedly they will under the law regulating "saline lands." In the counties of San Francisco, Santa Clara and Alameda the wet land that may be made available by drainage is about seventy square miles, exclusive of the "saline lands" at the southern part of the County of Santa Clara.

Most of the valley sections of this range of country is arable land, and that which is not can easily be made so when required: the agents for bringing this about being found in the adjoining hills to the east.—The character of the soil and climate adapts it to all the productions of temperate climates, and where local position modifies the climate of any section, it is found capable of producing plants of the tropical latitudes.

The extreme south-eastern part of this valley would be adapted to the growth of foreign fruits and other products, but it must be beyond the influence of the cold sea-wind that passes inland across the range of lower hills which divide the Salinas, Pajaro, and Santa Clara Valleys, the effect of which would be to blight the fruit, though the plant or tree might continue to thrive.

The low hills that flank the east side of the valley contain all the elements required for the culture of tropical plants and fruits: the climate and soil will be found adapted, and the only agent that appears in the least to be wanting is water sufficient to supply the demands of those plants. From the appearance of small lagoons and rivulets at different elevations it is presumable that a sufficient quantity of this agent may be found a short distance below the surface.

As a general rule the mountains lying upon the east border of the valley Santa Clara are covered with a soil superior to that of the plains, and of much greater depth. I have measured the depths of these soils in many places, and where it is well developed have found it varying from four to eleven feet for miles continuous: its extreme fertility produces heavy crops of the native grains and grasses which annually contribute to its increase by their decomposition.

Although these lands are situated within the reach of the sea-breeze from the Bay of San Francisco, they are protected from its cold by the

slope of the hills and the modifications of its temperature acquired in its passage down the bay before reaching the northern portion of the valley. So much is the temperature increased that an addition of ten degrees is often acquired in its transit from San Francisco to the head of the valley, a distance little rising fifty miles. This increase of temperature in the air is accompanied with an increase in its capacity for moisture, hence it is usual to find a slight aqueous haze, which results from the condensation of its moisture, hanging about this entire range of hills during the summer months, and is usually seen early in the morning.

At this time and for a short time after sun-rise the leaves of plants in these hills are covered with moisture, when no trace of this deposit is observable on the plains. The foreign horticulturist seems to have siezed upon the natural advantages which these mountains present for the culture of the vine and other fruits, preferring these elevated situations to the lower plain lands, the climate and soil being more congenial to their growth. The altitude at which the first qualities of the grape will flourish in these mountains (Monte Diablo Range) is seventeen hundred feet above the sea, the fruit produced equals that grown in lower situations; the temperature at this elevation through the night is higher than on the plains at their base and sufficiently comfortable to sleep without shelter.

But a very few years will elapse before these "barren" mountains will yield a handsome income to the planter, and a large revenue to the State, from the taxable property that will be found in these mountains, arising from the production of the vine alone; some idea of the extent to which it is now being propagated may be obtained when it is stated that nearly two hundred thousand sets have been put into the ground during the past year, and on one ranch alone over twelve thousand new sets were placed in the ground last season, in addition to those already in bearing condition on the same farm.

The absence of timber in these mountains is one of the most serious objections to the settler, if this objection can be removed there is no reason to doubt but that large tracts of this fertile district would command a population that would soon approximate that on the plains. It would not be difficult to produce a forest growth of trees upon these mountains, one that would prove useful as well as ornamental, conducing to health, comfort and luxury, as well as profit. The history of the Guava furnishes us with some facts on this point that are well worthy of notice; the tree is of rapid growth, spreading itself over large districts in a very few years. In Mexico it attains a height of forty feet, and grows at elevations of five thousand feet; its wood is used for fuel and many other purposes, and from its fruit the guava jelly is manufactured, and forms an extensive article of commerce.

Fifty years ago this tree was introduced at the Sandwich and Society Islands; it has in that short period of time formed one of the principal forest trees of those islands, and reaches the summit of their highest hills. A tree of this kind introduced into our timberless hills would in a short time render the barren aspect they now present, more pleasing and profitable as well as useful. There can be but little doubt that this tree will flourish in this country, as it is found so to do in a climate

equally cool as that in which it would be required here. Other varieties of fruit bearing trees of foreign climates will flourish in these mountains; among them may be mentioned the date, prune and fig, and in this country we possess an advantage in the preparation of the two latter fruits for the market, which is seldom found even in countries where they flourish best, viz: a clear, dry air, or containing but a small degree of moisture, a most essential requisite in forming a good commercial article. Often the entire fruit crop is ruined in the drying process in countries where these fruits abound, (and where all conditions for their propagation are not more fully developed than in this country,) from the presence of too great a quantity of moisture in the air, a circumstance that cannot exist in this country south of the county of San Francisco.

We have the most ample proofs of the capabilities of our soils in the interior, in the production of the foreign fruits. In addition to the above, the olive and the almond flourish and produce plentifully, and though the latter is not indigenous, the luxuriance with which it grows and its plentiful production of fruit, must be received only as another evidence of the fact above stated. The value of these fruits as regards their quality, suffers no deterioration from having been naturalized to our climate, but in the case of the latter named fruit, it is found to be materially benefitted by the change, for as it loses none of its flavor it becomes the more valuable from its increase of size, being nearly double that of the ordinary fruit of the market.

Respecting the main body of lands on the valley and shores of the bay, but very little of which is not adapted to agricultural purposes, it may be said to cover an area little short of six hundred square miles, nearly all of which is well adapted to the cultivation of the cereals and root crops. The higher table of the valley produces excellent corn, and the season though dry permits this crop to mature well. I observed several corn fields on the high terrace of the valley last season, flourishing well at altitudes of three hundred and sixty to four hundred and ten feet, and in localities where it would hardly be supposed from its external appearance, that moisture sufficient to rear a blade of grass could be found. The cause of this productiveness in these localities, is in a great measure attributable to the existence of a small quantity of sulphate of lime in these apparently dry soils, derived from a limestone formation in these mountains, and which extends south beyond the Almaden district. The detritus of this rock is found mingled with fragments of other rocks containing ferruginous pyrites in a decomposing state, hence the key to its appearance in the locality, and in the case before it serves the purpose of an absorbent of moisture, thus materially facilitating the growth of crops in these sections.

### VALLEY OF THE SALINAS. •

This valley is situated south of the Pajaro River, and is separated from the Santa Clara by a spur of the Monte Diablo Range which sink into a range of low hills forming a divide between the former and the Pajaro Valley also. The length of the Salinas is about ninety-five miles. The main course of the valley is about south-east by east; and is coursed



by one river (the Salinas) for its entire length. The stream is situated on the west side of the valley for the first fifty miles of its course, after which it crosses the valley a short distance above the Soledad Mission, at an angle of forty degrees to the main axis of the plain. The physical appearance of this large plain differs much from that of the Santa Clara or the Pajaro: when viewed from its centre it has a gentle slope from the east toward the west: but more minute examination exhibits a terraced form to the plain, similar to those observed on the Sacramento, and are three in number, and each possessing a soil of different degrees of fertility and value. The river has a fall of about two feet to the mile, and has acquired its present position within a very recent period, running as it does amongst the most recent tertiary rocks, and alluvium in its more northern portions. Near its sources there are several small streams putting into it, which furnish water throughout the year. The bed of the stream is composed of a fine whitish quicksand, which renders it dangerous to ford at times, and it is seldom attempted, except at localities which are used for this purpose. A large portion of the valley, within eight or ten miles of the coast, and on its south-east border and centre, is made up of low wet lands, covered with willows and tule, these terminate in lagoons and sloughs as they approach the coast, and contain a sufficient depth of water to float a medium sized vessel to the Bay of Monterey. The only obstacle that renders these waters innavigable for some distance into the interior of the valley, are the bars of drift sand which are thrown up by the surf on the coast: a good and substantial breakwater, constructed at some one of these points, would render navigation safe, and materially enhance the value of the public and private property of this section of country, and be the means of affording not only much-needed facilities of transportation in the productions of the interior to market, but afford inducements for the permanent settlement of this immense tract of country (now almost, it might be said, uninhabited and unimproved,) which this, or some other equally efficient measure would be the means of consummating in a short period of time. The extent of land in the interior that would be affected by a measure of this kind would be very great; it being not less than one hundred and fifty miles in length, and possessing capacities for agricultural production equal to any in the State. This will appear the more evident and necessary, when we find that the lower bottoms above the Salinas Valley are capable of producing a wheat crop, (at thirty-two bushels per acre) sufficient to meet the demands of a population numbering three times that of the present within this State:—say nine hundred thousand.

A district of our State presenting capacity and advantages of this character, and crippled as it is for the means of transporting its productions to our markets, should command some attention, and such, at least, as would have a tendency to induce an early and permanent settlement of such lands, if nothing more; and this the more especially as a considerable area of the over-flowed and saline lands of these plains must ultimately fall within the jurisdiction of the State.



## SOILS OF THE SALINAS.

The soils of this valley have been derived from the primitive formations on both sides of the plains: that derived from the granite series on the coast side is coarse and easily permeable to water: this obtains more particularly in the vicinity of the Gabilan mountains, and this variety of soil does not extend beyond the high "mesa" on the eastern side. The trapean rocks and limestone of this range exert an important influence in modifying the sterility usually attendant on soils derived from the detritus of the granites, and in this case they exist in sufficient quantities to render those soils productive on the upper terrace of the valley. The productions of each of these terraces differs in a material degree, arising principally from two immediate causes: the first moisture, the second, the finer disintegration of the material composing the soils; to these may be added a third, which sometimes exerts a wide influence on the lower bottom. The upper terrace produces the native wild oat for the most part, or a wiry tough grass: the oat flourishes to the exclusion of the latter on a brown red soil composed of loam mixed with the harsher material derived from the granite, and wherever this loamy matter is found to diminish in quantity, a corresponding increase in the native wire grass is found. This rule was found to hold good in the entire length of the plain on its eastern border.

Passing to the second terrace, plants of a different character are found. The oat is found to a considerable extent on some parts of this, but is usually succeeded by another variety of grass which seems much better adapted for feed to animals, and usually grows very thick and matted; among this the common burgrass, which increases in quantity as the lower terrace is approached, and which animals are extremely fond of eating, in preference to the oat when placed side by side: on the western edge of the second terrace, the wild mustard abounds, covering thousands of acres, and growing to the height of ten to fourteen feet, forming an impenetrable jungle to man or beast for miles in extent; wherever the settler has succeeded in eradicated this article from the soil, it has been found to produce abundant crops of grains or roots, and if anything superior in some cases to the lands of the lower bottom. The lower part of the terrace on which the mustard is usually found in greatest quantities, is sufficiently moist for the propagation of any crops that may be necessary to be placed upon them. Water is obtainable within a few feet of the surface on any part of it.

Passing to the lower terrace, we find the principal native productions to be the burgrass and a variety of the *rumex*, mingled with a much greater variety of others than is to be found on any other part of these bottoms. On the higher positions the mustard also abounds in considerable quantities. Some parts of this terrace are arenaceous, being covered to the depth of two feet with a loose, fine sand, usually the result of a heavy freshet, and not otherwise. In this is found a third cause for the varieties which these bottoms produce. An interesting exhibition of this occurred from the freshet of last winter, on the Castro Ranch, adjoining the Wacional. At this place about three hundred acres were covered with this sand to the depth of two and a-half feet; on a portion

of it a fine field of corn had been raised the previous year, also wheat and barley. The land formerly produced a heavy growth of mustard, but was reclaimed from this in part by tillage. The effect of the overflow was to destroy every vestige of former vegetation, and in its place a thick growth of willows had sprung up that were equally impenetrable with the mustard on the plains. At the time I visited them they had attained a height of about four feet. This immense deposit of sand on the arable land of this part the lower bottom is covered by the obstructions on the beach of the coast to the free egress of the waters from the interior during freshets, and until they shall be removed, some of the best lands of this valley will be constantly subjected to this ruinous result in all coming time.

The amount of land liable to be thus buried beneath this arenaceous deposit is great, and as it comprises a large part of the most valuable property in this section of country, it demands consideration.

The quantity of arable lands contained within the Salina Plains, is estimated at about seven hundred and eighty square miles, this being comprised in the lower terraces only; the upper terrace cannot strictly be considered as available for agriculture, but it more properly a grazing country with very few exceptions. The above quantities are divided as follows: the lower terrace or river bottom contains three hundred, twenty miles, and the second terrace about four hundred and sixty, and enjoying a climate in its different sections which will be found adapted to the growths of the extremes of temperate zones.

### PAJARO VALLEY.

This valley is situated on the coast, and is bounded on the north and east by the southern part of the Santa Cruz Mountains, and on the south by the low hills forming spur of the Gabilan Range, and which divide it from the Salinas Plains. The valley is about eight miles in length, and about four in breadth on an average, exclusive of the foot hills, or low, table hills, on its west border; the Pajaro River forming the boundary of the counties Monterey, Santa Cruz, Santa Clara, has its rise near San Felipe, and flows in a westerly direction through the low hills at the base of the mountains, thence along the northwest border of the valley for about two miles, where crosses the latter within about a quarter of a mile of the town of Watsonville, and reaches the sea at a point south ten degrees west of the latter locality, four miles distant.

This plain is of comparatively recent formation, and formerly was a well-sheltered bay of the sea; the sandstone formation in the hills to the north and east are of the same age as that now forming the coast line between it and the town of Santa Cruz, the fossils of which of present existing species; the forces that were instrumental in elevating this section have been gradual, as is evinced in the highly disturbed position of the sedimentary rocks along the coast for thirty-five miles; in these localities, it is difficult, in some instances to detect any inclination of the strata whatever, and it is only in the mountain sections that this disturbance becomes markedly manifest; the uplift of this entire section has taken place since the rocks on which the tertiaries rest assumed

assumed the solid state, as no instance of change in the structure of any of these rocks is apparent at the points of contact. The underlying rock is primitive and of the granite class, and this continues for eighteen miles north of Santa Cruz. In this valley and also in the vicinity of Santa Cruz the soils are made up of a mixture of the primitive and sedimentary formations, thus rendering them fertile and easily tilled. In the lower lands the soils are much better developed, yet the hilly lands are capable of producing abundant root crops and grains. The cause that render these hill-sides adapted to agriculture is the same as that found on the high terrace of the Santa Clara, viz.: a quantity of sulphate of lime acting as an absorbent, and retaining sufficient moisture to support a healthy nutrition in the plant.

The entire range of hills lying between the Pajaro and south part of the Santa Clara, and also a large portion of that range between the Salinas and Pajaro are well adapted to cropping, particularly for winter grains, and in some instances they are preferable to the valley lands, and would, if brought under cultivation, produce better crops than the plains; they are also much better adapted to the culture of fruit-trees than valley sections, possessing all the elements of which the valleys are composed, and which render them fertile, they possess the advantage of sheltering the young tree from the effects of the strong winds that pass over these sections from the sea, and also its chilling effects on the young blossoms and fruit.

There is no part of this State that I have visited, which possesses the same natural advantages for fruit culture as are to be found in the district above alluded to; while artificial irrigation is necessary in other parts of the State, in order to sustain the vitality of the tree; this is furnished regularly each night by aqueous exhalation from the ocean, and extending some thirty miles into the interior; during the months of July and August, last summer, an opportunity to observe this part was offered, and I found that over this entire section a sufficient amount of moisture was deposited each night to wet the leaves of plants very sensibly, and during the heavier fogs, a quantity sufficient to keep the ground wet under medium sized trees until near mid-day; a person entering this section of country in the morning would suppose from the appearance of the ground that a light rain had occurred during the night, and it was not infrequent that I was obliged to dry my blankets in the morning previous to saddling my horse.

The soil is equally adapted to their propagation being of texture that will permit the expansion of the roots below the surface without the necessity of sinking deep into the earth, as is the case in many parts of the country, where even the most hardy indigenous trees are found to send their roots to great depths in order to obtain nourishment and support for the trunk. It is surprising that with the advantages presented for the cultivation of American fruit-trees in this section of the State, that so little attention has been given to this subject in this vicinity; heavy losses have been sustained by individuals in attempting to rear trees in many parts of the country, and this has, in a great measure, prevented others from embarking in this enterprise; but in most of those cases where failures have followed the attempt, it has been from a soil ill-



adapted to their propagation, or in localities where floods have had the effect to destroy them.

These injurious influences are absent here, and there is every thing that can be desired to invite the pomologist in this ornamental and useful enterprize.

Fruit culture is to form an important branch in the industrial pursuits of this country: the lands best adapted these purposes in other localities than those mentioned, are to be found in the south and middle portions of the County San Francisco, from the San Mateo to the Francisquito and toward the foot of the mountains to the west. North of San Francisco, the upper portions of Napa Valley and Sonoma are equally as good as those of some parts of the county of Santa Cruz, affording much the same general characteristics as those of the latter county.

### LIVERMORE VALLEY.

This valley is situated in the central portion of mountains lying east of the bay San Francisco and valley Santa Clara: it divides these mountains into two distinct lines of ridges, and runs rather obtusely to their course. The different names that are applied to this valley convey the idea that there are as many distinct valleys, but such is not the case, as no hills intervene to destroy the general level throughout its entire extent. From its extreme north to its extreme southern terminus the valley is about sixteen miles in length and from five to seven in breadth. On the north it is bounded by Monte Diablo and its adjoining hills, separating it from Pacheco Valley: on the east by a single high ridge separating it from the plains of the San Joaquin; on the south by the hills near the northern part of the Cañada Corall, and on the west by the high ridge separating it from the Bay San Francisco. A large portion of the northern centre of this valley is occupied by a lagoon filled with tule, and the latter extend for a considerable distance from its borders.

The soil of the valley is generally good on the borders, but toward the centre it is either wet and heavy and withal somewhat saline, on the higher parts dry and gravelly. The entire district appears much better adapted to grazing lands than to agriculture, unless water for irrigation is obtained through artesian borings, and from the appearance of the valley there is but little question that an abundant supply is obtainable from these sources. The altitude of the valley is four hundred and thirty feet above the sea; and derives the principal portion of its supplies of water from the slopes connecting with Monte Diablo. On the south and southwest sides, among the hills, considerable masses of the metamorphic rocks are to be seen, and the appearance of quartz veins is more frequent in this vicinity than in any other section of these mountains that were observed.

On all the hills that surround this basin, are to be found fossiliferous sandstones, and among the alluvium, in some localities, are to be found considerable quantities of fragmentary shells, among which a large *Gryphaea* has heretofore existed in considerable quantities. Some specimens of the latter fossil are to be found in the office of the U. S. Land Survey,





rowed in; the whole having occurred within the term of *two hundred and seventy-three days*.

As soon as this fact became known, settlers were soon found to be on their way thither, and at that time there was not a farm to be found vacant for a considerable distance around. There is no reason for the supposition that land on the west side of the river and toward the mountains is unsuited for cultivation, for the fact before us is a sufficient proof to the contrary.

Having noticed the more general characteristics of the geology of that part of the country embraced in the examinations of the past season, and also their more general adaptation to the industrial departments of agriculture, it now remains to speak of their resources and the uses to which they may be applied.

### MINERAL RESOURCES OF THE COAST MOUNTAINS.

The minerals of these mountains are widely dispersed throughout their entire extent: they consist principally of copper, iron, lead, silver, gold, nickel, and antimony, with agates, calcedony, and many others too numerous to mention here, but will be found under their proper head.

The metallic minerals are widely distributed; the ores of copper are found in the form of carbonate, sulphuret, and silicate, among the Santa Cruz Mountains: in the vicinity of Rincon Point, south of San Francisco, it is found sparingly disseminated among the trap and metamorphosed rocks of that section. In the mountains, south of Monterey, it is also found over a limited area, and again in the lower hills on the east side of the Salinas Valley, near the Rancho Alisal. At this locality it occurs in an extensive quartz dike that has forced its way through all the other rocks both igneous and sedimentary: the forms in which it appears are the blue and green carbonate, in crystals, the sulphuret, the latter found in small masses detached from the gangue. In the same rocks is to be found considerable quantities of iron pyrites, generally disseminated and containing a small quantity of gold. The above ores of copper are often met with in these mountains, their occurrence over so wide a range and the trapean rocks with which they are so often associated leads to the belief that at a future day they may be found in sufficient quantity to be profitably worked.

**SILVER.**—In the county Monterey, this metal occurs in the form of argentiferous galena (or lead and silver) this mineral is found in the primitive and transition limestone abounding in this section: it is found in small veins and disseminated: the range in which it occurs, extends from the Gabilan Peak to the Chapedero on the south, a distance of twelve miles inclusive. The limestone in which it is found, and the granitic rocks adjoining have been disturbed by the intrusion of trapean rocks to the east, and from the opportunity that was offered for its examination it dips under the valley of the west at a considerable angle. A cross-cut has been driven from the west side of the hill for the purpose of intersecting the line of the view, but was abandoned before

reaching the limestone. A shaft has also been sunk on the vein to the depth of fifty-five feet, and at the bottom the granite had been reached, an opportunity was presented in the level from the bottom of the shaft to make an examination on its line of strike, and from all that could be seen, (as there had been much caving in of the walls) it is evident that the metallic vein is confined to the calcareous rock, as no vestige of it was to be found in any part of the granite below it.

At one point the decomposed vein showed a power of four or five inches for two feet in depth, this was followed down to the granite, and at its junction all traces of the vein ceased to exist. It is not improbable that a well defined set may be found under the valley, but it will require much exploration and expenditure of capital to determine that point, as mining operations cannot be entered upon with small means and ultimate prospects of success.

Traces of this mineral are to be met with for several miles north and south of this locality, and its distribution over so wide a range of country induces a belief that a profitable vein may yet be found in these mountains.

**IRON.**—This metal is found in almost every variety of form, from one end of the Coast Mountains to the other, the prevailing mineral however, is the peroxide and protoxide of this metal; the latter is often found in the form of hydrate, and when occurring in proximity to serpentine rocks often found to be more or less auriferous. This mineral is largely developed in some parts of the auriferous district of Mariposa county, and from one of the most valuable receptacles of gold among the gold-bearing rocks of that section.

**SULPHATE IRON.**—This article known in commerce under the name of "Copperas," is found native in large quantities near the town of Santa Cruz. Its principle had occurred a short distance west of the house of Mr. Medor in a gulch running from the mountains through the low hills to the coast. I followed the course of the ravine from where it enters the high hill near the crossing of the road north-west of the town to near the sea, the average depth of its banks varies from fifteen to thirty feet, its length from the hill to the coast being about two miles.

The copperas formed an efflorescence on the sides and bottom of the ravine covering entirely the earth and stones, on which a great quantity had crystallized; it was not difficult to scoop up a pound or more, at any one of these places; the banks of the ravine above the water were covered with the effloresced salt to such a thickness that a white and green color was given for several yards in length, the ground being entirely obscured. The depth of the earth that was thoroughly impregnated with the salt, would average ten feet for the whole length of the ravine the depth to which this descends below the surface is unknown, but it is probably considerable; the rocks at the bottom are a micaceous schist and were broken into for two or three feet and at that depth seemed as strongly charged with the ferruginous salt as at the surface. A small stream of water runs through the gulch which is permanent throughout the year, and carries a sufficient quantity to answer all the purposes of

an extensive manufacture of this article for commerce. It would be difficult to find a locality that combines the same advantages that this does for the manufacture of sulphate of iron; all that is necessary to be done has been performed by nature, and to extract the salt it is only necessary to erect vats upon the coast and shovel the earth, to be leached, directly into them. An area of several square miles is highly charged with the mineral and the day is not far distant when Santa Cruz will become as celebrated for the manufacture of this article as it has been heretofore for its vegetable productions.

**MAGNETIC IRON.**—At the distance of two miles north-west of the above locality, an extensive bed of magnetic iron occurs, running down to the coast, at which point it crops out and exhibits a depth of several feet. Toward the mountains I have been informed that it again shows itself above the surface in several places; there is every reason to believe that it underlies an extensive district, as much difficulty has been experienced in obtaining correct courses by the compass; in one instance the needle was deflected to thirty-one degrees on approaching its southern edge.

**GYPSUM.**—Sulphate of lime is reported to abound in the northern part of Santa Cruz, and in the vicinity of the Palo de los Yesca, some six miles from the Mission; it was frequently spoken of by the inhabitants of this place but I was unable to learn its precise locality. It is not improbable that it does abound in this vicinity, as ample material for its formation exists in this section of country. An extensive bed of mountain limestone occurs in close proximity to the native sulphate of iron alluded to in the former paragraph.

**CINNABAR.**—Has also been reported to have occurred in this vicinity. I found one small piece east of the San Lorenzo on the side of a hill, but it is not impossible that it might have been carried there by human means, as no other mineral of the same character was observed; the occurrence of small detached pieces of cinnabar in these places is not sufficient evidence to found a belief that it occurs in situ, or that a deposit may occur there.

**NIKEL.**—The ores of this metal are found from Contra Costa on the north to the utmost southern limit reached in the Coast Mountains. It occurs in the primitive rocks, associated with chronic iron in almost every case where the latter may be obtained. It appears as a bright green mineral on the fractured surface of the other ores, and is known in technical language as "nicked green." The scarcity of this metal renders the discovery of its ores in this country an object of some importance, and its wide distribution leads to the belief that it exists in sufficient quantities to warrant investment for its extraction from other ores, at no distant day. It is extensively used in the manufacture of German Silver for wares and household utensils. When reduced, the metal is white, much resembling silver in its general appearance, and for which it has been mistaken in this country. The principal localities where it has been observed this season are at Contra Costa, in the ser-



serpentine rocks south of Tulecita and near San Antonio in the county Monterey, among the large beds of chronic iron from the San Benito, and the Panoches, of the Gabilan range. These localities afford the largest amounts yet found in this State, and it is to be hoped that those explorations which are now in progress in this part of the country may result in the development of this mineral to a much greater extent than yet known.

**GOLD.**—This metal has been found in the Coast Mountains, from the County San Francisco on the north to Luis Obispo on the south. The slates and serpentine formations which have been noticed in the preceding pages of this report are found to be receptacles of gold here as in the Sierra Nevada; these rocks are extensive in the Coast Mountains, often comprising an entire ridge for miles, they are usually flanked by the granite. During the past summer, the placers in the County Santa Cruz were much worked; the gold found here was principally on the San Lorenzo and its tributaries; it was fine, and much resembled that found in the Cañon Hill, near Nevada; under the glass it had all the appearance of having suffered but little from attrition by water, the surface of the grains being rough, as though just detached from their original matrix. The slates and serpentine rocks occur on both sides of this creek, with small veins of quartz running through them, and from what we know of auriferous districts of this and other countries, the presumption that gold *in situ* exists here, amounts nearly to a certainty.

On the upper portions of the Carmello, in the county Monterey, gold is also found, in the immediate vicinity of the Rancho Tulecita. Farther to the southeast, near the head waters of the creek, it is also found on the tributaries of the main stream, that flow from the western ridge of these mountains. On the Francisquito, a tributary of the Carmello, coming from the southwest, and twelve miles from the coast it is also found near the house of Barondo. Three or four Mexicans were working with the battaya at the time I passed that rancho. The serpentine rocks are largely developed on the east flanks of the granite ridges, and from their course they may be considered as forming the northern part of a series which occurs at the Mission San Antonio fifty miles south.

I was informed by Mr. Meadows, who has traversed the interior of these mountains probably more than any other man in this part of the country, that the same class of rocks are found throughout the distance inclusive between the Carmello and the above Mission. Near San Antonio there were several persons at work during the past summer, in the placers in this vicinity. This was no new discovery, for the existence of gold at this locality has been known since 1850. Those at work at this place were mostly Mexicans, and while traveling on the Salinas I frequently met companies of five or six, with their camp material and tools, wending their way to this section.

On the Pescadero Creek, a tributary of the Pajaro River, gold was found during the past summer; it was first observed a short distance above the bituminous springs lying on the north bank of this stream; the serpentine rocks abound in this vicinity, and also some of its subordinate members; at this place the Magnesian Group of the Santa Cruz Mountains, which run north into San Francisco, have their southern terminus.

On the Rancho La Bruc, near the Pescadero, and into the very edge of the Valley Santa Clara the talcose series and gold is found; on crossing the Pajaro, these rocks and with them the gold closes; not a trace of this metal, or rock that would indicate its existence was to be found in any of the hills east of the Gabilan.

The district of country in the Coast Mountains in which the auriferous deposits are now known to occur is about eighty miles in length, and thus far is confined to the counties of Santa Clara, Monterey and the north part of Luis Obispo. This is a material addition to the already known area in which this metal is found, and its location in what has heretofore been considered the agricultural districts of the State, will in time exert a beneficial influence in the permanent settlement of those sections.

**ANTIMONY.**—The common sulphuret of this metal is very abundant in the Monte Diablo Range; at Mount Oso it is found in large masses, also at various other points throughout these mountains; it occurs in considerable quantities in some parts of the County of Santa Barbara. This mineral is deserving of attention as it often contains a notable quantity of silver, though as yet no specimens which have been found in this country contain a large per centage of this metal. That variety of the antimonial ores which is argentiferous, has a lively steel-gray color, cuts easily with the knife and is brittle, while the common gray antimony, which is the principal yet found, has a lead-gray color, its fractured surface, easily tarnishes and scales of the mineral are slightly flexible.

**BITUMEN.**—Bituminous springs abound through the Coast Mountains, and in some places is much used in the construction of buildings, and walks in front of buildings; for the latter purposes it is admirably adapted in situations where the sun will not have too powerful an effect upon it, as in such cases it is apt to become soft. In the counties of Santa Clara, Santa Cruz and Monterey, several of these springs occur, and further south are found more abundant. Information has been received of an extensive deposit of bitumen in Contra Costa, some six miles from the shores of the bay, but at what point I have as yet been unable to learn. This article has been used of late in the manufacture of gas, for illumination, and it possesses some advantages over the common oil or resin gas in general use; a sufficient quantity for the illumination of the country may be easily obtained and at low rates when required for this purpose.

**CINNABAR.**—This mineral is well known, and the principal mine now opened in this country is at New Almaden in the County of Santa Clara and situated twelve miles from San José. The town of Almaden is situated four hundred and eighty feet above the sea and the mine is eight hundred and sixty feet above the town, making the elevation of the mine thirteen hundred forty-five above tide level. The ore at this mine is found in bunches or deposits in a clay highly charged with peroxide iron. The cinnabar contains considerable arsenic generally disseminated through the ore, small veins of calcareous spar are found running

through the mineral giving it at times a fanciful appearance. The magnesian rocks are largely developed in this section, both at the mine and in the mountains to the south-west. The rocks in the immediate vicinity of the mine are talcose in their character, much decomposed and broken up; at the base of the hill on which the mine is located there is to be found native magnesia on the surfaces of the rocks.

The deposit of ore at this locality is very large, and will require many years to exhaust it. As the mine consists of deposits simply, there is no certainty of its continuance beyond the surface that may be exposed: it has been supposed generally that the ores of this mine occurred in the form of veins, but such is not the fact, and so far as I could learn from the superintendents at the mine, no well defined vein had been found since its opening. The principal adit of the mine is one thousand feet in length, and at the end of this a body of ore fifteen feet square had been exposed in one place: other similar masses, and even larger ones, were laid bare in different parts of the mine. An inclined winze had been driven to the depth of about one hundred feet below the level of the adit, at the bottom of which immense bodies of ore had been found. From the quantity of ore on hand, and that exposed in the mine, the prospects of the company are highly flattering for a handsome return for the heavy outlays of capital which have heretofore been made. At the date of my visit, the company were erecting twelve new furnaces in addition to those already in operation, having a capacity for working of twelve thousand pounds per week each, with an abundance of ore in the hacienda for their supply. The construction of their adit and the interior of the mine, with their reduction works, are of a character for permanency, workmanship and scientific skill to be found only among large mining operations. The ease and regularity with which everything connected with the mine argues well for its administrator, and exhibits a thorough understanding of the requisites necessary to insure success in extensive operations.

A better regulated, or more systematic method of mining, is not to be found in this or any other country, and is well worthy a visit from any who may wish to obtain an idea of what practical mining is in a large way. At the distance of three miles, another mine of the same character has been opened, but is not in operation at present, this latter is called the Gaudulupe; it has not proved extensive up to the present time.

In the lists of minerals, appended to this report, will be found more specific detail respecting their distribution among the rocks of the coast mountains. A description of the fossils will also accompany the latter, as far as the nature of circumstances will permit. The scarcity of books of reference in this country, at the present time, will render it impossible to define all the species that have been secured the past season; the genera will be nearly complete, and in the course of the ensuing season, the species of those genera will be described, as ample works for that purpose will be at hand within that time: there appears to be many that are undescribed in any of the works on hand at present.



## MINERAL DISTRICT.

After completing the examination of the coast mountains within the parallels alluded to, a visit was made to the mineral districts, embracing parts of the counties Nevada, Placer, El Dorado, and Calaveras, the object of which, was to connect a line of travel commenced in May and June last, in the counties of Butte, Yuba, and Sierra; and to obtain, if possible, some information respecting the general character of placer and quartz mining at the present time, compared with its earlier prospects.

Two years having elapsed since I had visited this section of the country, and having in my possession the original notes of travel and maps made at that time, with a general acquaintance of their former condition, it was deemed advisable to make this particular examination, in order to form some estimate on their future prospects.

With this view, the more central portions of the mining districts were selected, as these may be considered a fair example of the extremes, and from the lateness of the season and distance were more accessible.

## PLACER MINING.

The extensive excavations, which have been made within the last two years, in this branch of mining has afforded an opportunity of examining the different mountain formations not heretofore obtained, and has been the means of eliciting much valuable and interesting information, relative to the early condition and mutations, which have taken place in the superficial coverings of our hills. The rapid progress of advancement in the methods of conducting mining operations in this branch particularly, has opened a door for scientific research, which it seems impossible to have accomplished in so short a period as that in which they have been occupied; they have the appearance of having been in operation for half a century rather than the short space of *four years*.

It is now ascertained to a certainty that the placer ranges extend to the east, within ten or fifteen miles of the "summit ridge" so called of the Sierra Nevada; and the condition in which it is found at these points are similar in all respects to that in the older or more western sections, with perhaps one exception, and that the relative age of both. There are evidences which clearly indicate a deposit of gold older than the diluvial drift of the lower or western diggings, (which latter is often confounded with the drift deposits of the tertiary periods in this country) the character of which differs in almost every respect from any other deposit yet observed in this country, except in this particular range.\*

Its direction has been traced for about seventy miles, and is found to extend through the counties of Butte, the eastern part of Yuba, Sierra, Nevada, Placer, and El Dorado; it appears to have an average breadth

\* This deposit appears to hold a position and age below the tertiaries, and may be considered intermediate between the latter and the primitive formations in this State, its fossils differ from any thus far found, in any formation within the State, and I am disposed to refer it to the Brandon group of Vermont, discovered by Prof. Hitchcock, vide Sillman's Journal of Science.



of about four miles, with an elevation of four thousand feet above the sea for the greatest part of its length.

From the examinations that were made upon this range, there are abundant evidences that an ancient stream flowed through this section of the country, and in a direction parallel with its then existing mountain ridges, and the extensive mining operations conducted in the south-east part of Sierra county on this range, has been the means of demonstrating this fact, which had heretofore been strongly suspected only. The outliers of its banks are very definitely marked throughout the entire length of the formation under consideration, and its former bed filled in many places with a volcanic sand and ashes, which probably accompanied its displacement.

In the county Sierra these peculiarities are best observed; in the vicinity, and for ten miles west of Downieville, the hills are covered with a volcanic breccia and tufa, which may be conveniently studied between the Negro Tent and Galloway's Ranch, also on all the hills and ravines surrounding Yumama on Oregon Creek. On the creek the tufaceous deposit is found to the depth of sixty feet.

The exact point from which these immense quantities of volcanic materials were ejected, is somewhat obscure; yet there are reasons for the supposition that they had their origin in the truncated cones which lie a few miles to the north-east, and of which the Pilot Peak forms one of the principal points or centres of this rugged and forbidding district. This presumption is based on the grounds that between Pilot Peak and Yumama there are ample evidences of a direct connection with these larger centres of disturbance; an extensive dike of black scoriaceous and vesicular lava is traceable throughout the entire distance between Yumama and the Pilot Peak, passing through the hill north-west of Downieville, and within two hundred yards of the town, it crosses the river at this point and appears at Dungan's Flat on the opposite side of the stream, from thence it is again met near Galloway's Ranch, and continues from there to the high bluff which overhangs the town of Yumama, on Oregon Creek. There are no other true volcanic cones in this section that would seem commensurate with so large a scale of operations, except those above noted, though the minor peaks undoubtedly added much to the general result.

The displacement of this ancient stream and the subsequent filling of its bed has opened a new and rich field for scientific research in this State, but its more direct and economical bearings are that it affords an equally new and extensive field for the operations of the placer miner, and that thus far has proved itself equal to that of any range yet discovered in this country. Besides being equally abundant in its produce of gold as far as opened, with the best placers of the State, it possesses the advantage of being the most extensive of any one system which has yet been found. The peculiarities which characterize this formation and which distinguish it from all others in the State, are the following:—the boulders found throughout its entire extent are very uniform in their characters, and are composed of quartz exclusively, (or nearly so) this has a bluish-watery color in the mass, highly translucent and vitreous when fractured, constituting ninety-seven per cent. of all the stones found in the deeper diggings, they are invested by a dull but deep blue earthy

material highly charged with pyrites, which in most cases is as firm as the rocks themselves, making it extremely laborious and difficult in driving shafts or adits. The gold is contained in this matrix for a distance of six or eight feet above the "bed-rock," and resting directly on the latter, it is coarse and generally rough, and its external appearance is that of a poor quality, though it assays high and brings the first prices; its pale and dirty appearance is due to a small quantity of arsenical pyrites which adheres to its surface and which is found in considerable quantities in the matrix containing the gold.

The underlying rocks are serpentine and talcose slates; on Oregon Creek they are found to contain small veins of mundie (arsenical pyrites) one or two inches in thickness, this has a clear and lively grayish-white color, when recently fractured, but soon tarnishes on exposure, becoming a dirty lead gray, and even quite dark; this mineral is rich in gold, it is difficult to find a small piece that does not present this metal to the naked eye on some part of its surface.

The mineral was first observed in the Johnson Shaft, half a mile north of the town of Yumanna, and occurs at a depth of fifty feet below the level of the creek, at the edge of which the shaft was driven, the strike of these veins was north-west by west, and is found on both sides of the stream on that line. There were four other shafts in this vicinity in which the mundie was found under the same circumstances; and there can be scarcely a question but that it exists in true veins among the serpentine rocks throughout this part of the country. These veins have been found to penetrate the rocks in which they occur to the depth of six feet from the surface, and should it ultimately be found that the area is in any way considerable through which they run, they offer sufficient inducement to erect works for the reduction of this ore.

The blue color of the drift in this range has been found to pervade all parts of this peculiar deposit wherever it occurs, its boulders maintain their character and percentage, its extent over so large a district, its dissimilarity in these respects with all other placers yet known, has suggested the propriety of adopting a name which shall at once separate it from other sections, in order to designate more particularly its course and extent in the future; by this means we shall in a short time be able to acquire additional information relative to its extent that we do not now possess, and as its developments at the present time are of so flattering a nature, that any information of its present undiscovered boundaries, would add but another link to the great chain of our mineral resources, equally as important and productive as the best now known.

I would, therefore, suggest, that the term "*Eastern Blue Range*," be applied to this district; this will separate it from those lower down having the same color, but not possessing any one of its other peculiarities.

To define more particularly the position of this formation, both geographically and geologically, we will follow more particularly the outline of the ancient stream, and some few of the localities now situated upon it. On the south fork of Feather River, opposite to Sailor Bar, and east of this locality for three miles it is found in the form of small flats on the sides of hills declining to the east; passing to the south, it is met with a short distance from Goodyear's Bar, again at Yumanna, on Oregon Creek, still farther south at Minesota, at Chipseg's, Smith's and

Kanaka Flats : crossing the Middle Yuba, it is found at Orleans Flat, Moore's Flat, New Flats, thence across the south Yuba, by the towns of Eureka, Washington, and Poor Man's Creek, and at Mule Springs. This vicinity has presented an area of nine miles in which this formation has been found. Crossing Bear River, it is again met at each side of the American Forks, and is particularly well developed in the vicinity of Sarahsville, extending from thence to Georgetown. South of this, but very little is known of its location.

Within the extremes of north and south named above, the banks of an ancient stream are distinctly marked out, and can be as easily traced as if the waters were still flowing in their original bed. It must have existed at a date when the adjacent country maintained a much less elevation than that now existing : this is proven from the fact that, even at this time a terraced form is observable in many places, in each of which the same peculiarities abound. The organic matters deposited are perfect in their forms, the most delicate parts of leaves are truthfully preserved to nature : the material in which they are imbedded is that usually found suspended in waters that were but slightly disturbed, and when disintegrated yields an almost impalpable powder—not a pebble, nor even coarse sand is to be found in any part of it. In fact every feature that would indicate a quiet state of waters is fulfilled in the section under consideration. Had it been otherwise, the leaves and other tender parts of plants would have exhibited a different appearance from that they now present.

The remains of plants found in these localities are extinct on this part of the coast at the present date, the fruit, leaf, and structure of the sapvessels, differ from those of every other section of the country, either fossil or living. I have been enabled to obtain six varieties of leaves, and two varieties of fruits, which will be described as soon as opportunity shall offer. The depth at which these specimens were obtained from the surface was one hundred seventy feet, and near the end of an adit whose length was five hundred eighty feet, the principal bed was found in the Arcana Tunnel, at the town of Minesota.

The position of this formation has been stated in the preceding pages, to be below the tertiary groups and diluvial drift of the other placers. It will be unnecessary to roam over the entire State to illustrate or prove this point, as we have an adjacent district where both may be studied with ease and facility in an hour's ride between them. This locality is found at Chipseg's and Smith's Flats, about midway between Minesota and Oregon Creek. The different formations will be given as they occur at Smith's Flat and Minesota, which will fully illustrate the existing differences.

At Minesota we find the following in the descending order : First, volcanic tuffa : second, diluvial drift, containing no gold and having a depth of seventy feet : below this is found a bed of clay and imperfectly formed slates beneath which a boulder formation of thirty-eight feet composed almost exclusively of quartz : succeeding this the formation in question, containing the silicified woods, and leaves and fruits, the latter in the form of lignites, and in abundance. Following a direct line from this locality to Smith's Flat and at the distance of half a mile from the latter we meet an outcrop of the slates, above these slates the drift



and gold of this latter locality is found, and contains petrifications of present existing species of plants and trees, which still flourish in the adjoining neighborhood; among these the pine and oak are very prominent. The structure of these silicified woods are as perfectly delineated as in the trees of similar character growing above them. The drift deposit at this locality is composed of every variety of rock found in the adjoining countries, being composed of trap, granite, porphyries and quartz, forming no well defined order of position.

The drift deposit of Minesota being almost exclusively of quartz, such as has been described as occurring at Yumanna, forms a wide contrast with the above, and beneath the boulder formation the lignites, consisting of six species none of which are identical with any living species, or with the deposits of the section north of this locality. It will be seen from the peculiarities thus briefly enumerated in relation to the main features of both deposits, the widely dissimilar character of the minerals composing both, their relative position, and the difference in the organic deposits found in both, there is sufficient reason for assigning to each a different age.

How correct this conclusion may be, it yet remains to be proved, if additional testimony is required; and this can only be known when this particular section shall have been more fully explored. Certain it is, however, that its present appearance favors this classification; and should it prove as productive in its auriferous deposits as the partial explorations upon it now indicate, the amount of gold which it is capable of producing would be unequalled in any district heretofore or at present known. There is not an instance known, where the lead in this range has been found, but that large sums of gold have been the result; this might be saying more, perhaps, than prudence would dictate, but such are the facts in the case, let opinion be what they may.

### QUARTZ MINING.

For two years past this branch of industry has engrossed much of public attention, and speculation on the future success and prospects of these mines has been as diversified and fluctuating as upon any subject ever presented to public consideration; this has resulted from an incorrect appreciation of their intrinsic value, and want of information respecting their position, geologically considered, coupled with disappointments resulting in too high anticipations of abundant products from these sources in too short periods of time; the hasty and inconsiderate manner in which persons entered into these speculations in the country heretofore, and the natural results which must necessarily flow from such a course of action, has had the effect to cast a shadow of doubt for the time being, on the future prospects of these sources of wealth, while the pecuniary losses that followed in the train of these causes were construed by alarmists abroad as indexes of certain failure, and thus rendered the doubt that existed an *apparent* certainty.

All this however, has had a beneficial effect in its ultimate results, by checking that abnormal cause of action incident to the first outbreak of all speculative movements of this kind. Had that cool discretion and



judgment which has marked the subsequent career of these undertakings—that firm determination to surmount all natural obstacles and test the truth or falsity of the claim advanced of the value of these veins, been practiced in the earlier stages of quartz mining, we should have been spared the disagreeable task of chronicling adversity and *pseudo-failures* in a legitimate and profitable branch of employment, thus saving this one of the grand levers of our commercial prosperity the odium that has heretofore attached to it and is still persistent in the minds of some abroad.

Aided by the discrepant and in many cases malicious reports from our own hills, the *sarans* of the Atlantic States and Europe reiterated the howl, and the public of those distant shores were nightly harrangued in the lecture-room, and popular assemblies, on the utter *impossibility of the auriferous veins of this country proving to be more than a mere ephemeral show*, and unworthy the confidence of reflecting minds. Their gratuitous expressions and unfavorable opinions, are now proved from the subsequent explorations which have been conducted on these veins, to be equally unfounded as were the arguments made use of by these men to convince their listening audiences of the *supposed facts* they so learnedly put forth; and our citizens engaged in these pursuits of industry have labored on, temporarily affected only by the confusion of opinions and anathemas issued from the portals of science, against this great interest of the State, and have borne the testimony triumphantly to the world that science unattended by personal experience will render him who uses it far more notorious than popular or reliable.

Notwithstanding the disadvantages of a manufactured public opinion with which this branch of industry has been obliged to contend, and the serious obstacles which have thus been presented to its progress, it has now become one of the permanent employments of the State, and should it meet with no other impediments than those which are the resultants of nature, it will obtain a position second to none, within the next two years.

The permanency of their character would scarcely have been demonstrated in the short period of time in which it has occurred, in any other country or State except this, and is in true keeping with the firmness of purpose manifested in every great undertaking by the citizens of this State, and is but another mark of that indomitable perseverance in overcoming difficulties either natural or artificial, that stand in the path of their advancement, for which they have become peculiarly characterized and proverbial.

The popular belief that the gold mines of this State, and the operations conducted upon them heretofore has been suspended, with the exception perhaps of a few isolated cases scattered through the country, and that they hold but a forced existence for speculative puposes, designed ultimately to be the means of conducting swindling operations on a large scale abroad, is as base as it is unfounded; those feelings and ideas find a haven in the breasts of a few only, who from their position commercially have been the means of propagating this erroneous and unjust opinion in relation to this subject. The embittered feelings of such persons, which have had their origin in disappointed hopes arising from too hasty conclusions respecting the productiveness of those oper-

ations in which they were individually interested, and which in nearly every case was caused by inadequacy of means and mismanagement of their operations, is no criterion whereby to form an opinion that would be just or reasonable, with reference to these metallic veins, and those in this country who would still propagate those opinions, do so in the face of every evidence to the contrary which reason or sober judgment would demand or can be found in this or any other country.

With these preliminary remarks on the general impressions at home and abroad, respecting their *theoretic* value, founded as they are on presumption rather than evidence, we shall proceed to consider the geological position which the quartz veins of this State hold to the rocks with which they are found in connection, hoping thereby to elucidate more clearly their present as well as prospective value.

## QUARTZ VEINS AND THEIR RELATIVE AGES IN CALIFORNIA.

The quartz veins of this State are found distributed in nearly parallel lines throughout the west flank of the Sierra Nevada, and consist of three distinct lines separated by intervals ranging from four to eleven miles; as these divisions are found in nature they constitute what may be denominated the principal or main ranges. Between these are to be found smaller lines of these rocks at times running parallel with the former, at others having strikes more or less oblique, and even at right angles in some instances with the principal veins.

From the peculiar distribution of these rocks, as relates to their connection and position with the formations in which they are found, it would be difficult to refer them all to the same age; this would be manifest only by observing the different sections in which they occur. They will therefore be designated in this report as the *Older* and *Recent* groups, in order to better describe the peculiarities that may be found in both, and with reference also to the age of the rocks which they have been the apparent cause of disturbing.

### OLDER GROUP.

The eastern and also a part of what may be termed the central line of dikes are included under this head. This group is found to have intruded itself through the primitive formations only, or through the trapean rocks which immediately succeed the primitive. The principal rocks which appear to have suffered the greatest amount of local disturbance and dislocation from these quartz veins, have been the granite serpentine and the earlier trapean rocks, which appear to under-lie both the former. The veins or dikes that occur in the primitive series are usually much more massive than those of a later period, and are not distributed over so wide an area, or possess so great a number of lateral veins, or cross-courses incident to the more recent group of these rocks.

The mineral characteristics of the Older Group are more uniform and regular so far as known, and are found to possess a firmness of

texture, where they enter the greenstone, much greater than those of recent date. It is seldom found that this suite of veins has cut through or in any way disturbed the slates which rest on the granite, even when the latter are in the immediate neighborhood; less rare is it to find them cut through by the older group; that in a line of travel over two hundred miles in length that I have seen but two instances in the eastern range of veins, and it is even questionable whether this dike belonged strictly to the older group.

The effect of these veins on the rocks which they pass through, has been to disorganize their structure to a considerable extent, which has rendered the decomposition of both more rapid and complete, hence it frequently happens that rich deposits of metal are found in such places, and usually occur near the point of contact of both series of rocks. The older group is found to extend from near the summit ridge of the mountains to a distance of about forty miles toward the west, and constitute nearly six-eighths (6-8) of all the veins found within this line of distance, and on these are located the greatest proportion of all the mines at present in operation.

In that portion of the country lying north of the Cosumnes River and ranging thirty miles east of the Valley Sacramento, the central line of dikes belonging to the older group, are found, their western edge passes through the counties of El Dorado, Placer, Nevada, Butte and Shasta, and as far north as the Mt. Shasta hills to the east of the peak. It is well developed in the counties of El Dorado, Placer and Nevada, and in one locality in the county of Yuba, a short distance above Scott's Ferry. In these latter counties the more recent group is also found, and in the county of Nevada it is seen to have disturbed the older groups in some localities, and in Placer county, where both have features in common which will be noticed more particularly when treating of the Recent group.

To localize the upper and older group of these veins, a few localities will be given for the purpose of familiarizing their geographical positions: in Nevada county it is met with at the National vein, also at German Bar, at the Ariel Mine in Sierra county, and the Jamison Creek mines in Butte county; on the American forks at the Volcano mine, El Dorado county; Leake Vein, Calaveras county; Big Oak Flat, and Marble Springs, Tuolumne county.

These localities are situated far into the mountains, and are situated on the eastern part of this line of dikes, and upon those parts of it where it is most largely developed, becoming an extended and well defined continuous range.

Returning to the middle or central range of dikes, at the distance of thirty miles from the valley, and travelling south we find that immediately after crossing the Cosumnes, the granitic rocks that have heretofore been found associated with this range of veins further north begin to disappear in a gradual manner, and the prevailing rocks are talcose, to the exclusion of almost every other of the primitive series: for a distance of about fifty miles, the quartz is found associated with this or some of its subordinate members, the granitic rocks lying far to the east. The quartz vein found among the talcose series and which appear of the same age as those occurring in the granite, are equally uniform in the general



characteristics they present, so far as relates to their mineral constituents, but there is one remarkable feature attending them here (as also to the north in a few instances,) which is not common to the granitic associations of these rocks, viz: the depth to which the vein is decomposed from the surface down, will not exceed more than one-fourth that which will be found where the inverting rock is of the granitic series. This peculiar feature is very striking in passing from a "sett" situated in the latter to one located in the former, and will be found to hold good even in the same neighborhood.

One other feature is equally apparent, and at the same time important in connection with this, which is, that while those veins present the contrast above noted, the "setts" occurring in the serpentine series which have been unaffected by the cause producing such extensive decomposition as is found among the granite rocks, do not possess a texture so firm and coherent as the veins found in the northern sections, such veins will be worked with a less amount of labor and capital producing an equal amount of ore.

There is nothing to distinguish the veins of this section from being of the same age with those at the north, and running through a similar range of country, like the veining of the granitic series they do not appear to have disturbed the more recent formation of the tertiaries, but are confined exclusively to the primitive rocks. Following a line west toward the valleys, the occurrence of a more recent group becomes manifest, and is unquestionably the equivalent of that alluded to as occurring throughout the northern counties.

### RECENT GROUP.

This group of these rocks is found extending from the lowest foot-hills on the east border of the valley, where the first outcrop of the slates are met, to a distance of about eighteen miles to the east, and after is found running into the western edge of the older group; their intrusion appears to have formed one of the principal and later disturbing agents that has been in action in those periods of development of that part of this country, immediately preceding, and continuing into the middle Eocene and Miocene periods of the tertiary era.

Their altitude above the sea is variable, from one hundred to fifteen hundred feet, and some few localities reach the height of two thousand. One of the features, which this group presents, and which distinguishes it from those of the older group is, that they have cut through and disturbed not only the primitive formations, but every other formation found resting upon them, this occurs in almost every case in which these rocks are found. A dike of this age is often found protruding through the granite or some other member of the primitive series, and may be traced frequently for one or two miles before any member of the sedimentary rocks are met with; in this case, the latter rocks will be found more or less disturbed at the point of contact with the vein, and it will often be found that its passage from the granite beneath into the slates above is perfect, traversing the overlying rock through a great part of its length, and sending out cross courses in every direction. A di-



turbed position is not the only change observable in these cases; structural change is as often the result of the intrusion among the slates as the appearance of the veins themselves. The above peculiarities in relation to these views are observable in every part of the lower mining districts, and an erroneous opinion in regard to the age of the dike under examination may easily occur as the part under our observation may be situated either in the primitive or sedimentary rocks.

A dike of this character occurs in the town of Centreville, Placer County, and extends in a northerly direction for one and a half miles through granite, when it enters the slates, passing entirely through their length and again appearing in granite at their northern extremity; another instance of a similar character is met with on Deer Creek, two miles below Nevada; here the dike passes through the trap, granite and slate, and also at Newtown in the same county. Still further north, in the County of Yuba, a vein cuts both the granite and slate, as in the vicinity of Brown's Valley, and again on Dry Creek; in many other localities throughout this range of country, the same features are to be found, and our opinion on the comparative ages of these veins, can be correctly founded only by a careful examination of the entire length of the vein.

On the same range of hills, this group is continued south as far as the Tuolumne River, and includes the district on which some of the principal companies of the southern counties are located. It frequently happens that the veins of this group are composed of a perfect *network* of small threads and veins, varying in power from one inch to one foot. This peculiarity is admirably exemplified at Angel's Camp in Calaveras County, at this locality and for miles around these small "hills," constitute a large part of the rich veins of this section, while at the distance of four miles to the south, it again appears as a mammoth dike, popularly known as the "Great Carson Hill Vein," which extends southerly to the Stanislaus River.

From this point a line of large dikes interrupted at intervals continue in a southeast direction for sixty miles, passing through Campo Seco, Coulterville, Bear Valley, and thence to Mt. Ophir; throughout this entire distance they are found to cut through all other volcanic rocks, with perhaps one or two exceptions; the basaltic rocks in some parts of the southern counties bear evidence of displacement by these intrusions, and I know of but two cases in which the latter intrusions have *thrown* these veins, and in these cases it is not yet fully determined whether this be the fact. It is on the west flanks of the hills in which the dikes of the recent group of quartz appears, that the features which mark their age are more particularly noticeable; here the slates (and in the foothills, the sandstone) present all the varied changes of position and structure, noticed by different writers on the physical features incident to the mountain districts of California--at one time dipping east at another west, and again half inverted, in the multifarious disturbances to which they have been subjected.

The greatest amount of displacement in the sedimentary rocks is always found in the closest proximity to the veins in their immediate vicinity, and although a vertical position only may be given in many instances, yet this is found to become less as you recede from the vein

on either hand transversely to its line of strike; it is not unfrequent that the high angle of dip in the first instance will assume a nearly horizontal position in the distance of a mile from the point of uplift, but the next ridge will present a re-enactment of the first case if the rocks composing it are of the same character.

The vertical position of the slates is one of those peculiar features which attracts the attention of almost every person passing to or from the interior, from their appearance resembling an old church-yard they have been termed the *grave-stone slates*, and this distinctive feature is found to prevail to the lower range of foot-hills toward the valley, as well as in the more elevated parts of the mountains; this verticality among the lower hills has been urged as an objection to the point that the intrusion of the quartz of either group, was not the immediate cause of that uplift, but that the present inclination has been given by causes of a similar character which have acted subsequent to the intrusion of the quartzose veins.

This proposition seems invalid for this reason: if any such agency as that proposed had been the immediate cause of producing the effects which are observable among the slates of this section and sufficiently powerful to have forced them into the position they now occupy; it seems but reasonable to suppose that some portions of the intrusive materials should make their appearance among them; but this is not the case, nor is it necessary to introduce such a complication in order to explain the physical features which are apparent in these rocks, as we find an agent distributed largely among them, which is fully adequate to induce all the changes of position or structure noticeable.

That we do not find massive outcrops of these dikes among the slates at the edge of the valley, is equally invalid as an objection against their agency in producing the disturbances which are clearly attributable to their intrusion a few miles farther to the east, for an examination will convince the unprejudiced mind that the causes which have been instrumental in tilting the slates from their former position in the interior has extended to the eastern edge of valleys and produced the ruptures we there witness.

In favorable situations for observing the intrusive character of the recent group, as in the canons through which flow many of our streams it is there found that the porphyries which lie superior to the primitive rocks, and have had their origin from contact with igneous rocks in an incandescent state, as well also as the trapezoid rocks adjoining, are broken through the sedimentary rocks above them which are still unchanged.

Another fact of interest, and having an important bearing on this part of our subject is found on the west borders of the great valleys and in the Coast Mountains. From all the testimony in our possession at the present time relative to the sedimentary rocks which dip under the valleys of the Sacramento and San Joaquin, we are induced to believe that those which occur on the east border are of an age contemporaneous with those on the west, and in addition thereto a group is found which evidently belong to a still later period. We have in these mountains then, a corroborative evidence that the disturbances produced by the

intrusion of igneous rocks with which the quartz is found in connection has occurred during a comparatively recent period.

As these rocks have forced their way to the surface through all the species that lie above them, they can be considered in no other light than having an age posterior to most of the tertiary rocks within the State, or the northern and middle parts of it; and contemporaneous at least with the lower portion of the miocene period. Under these circumstances it is not to be wondered at that gold may be found in San Francisco or Contra Costa, as the geological formations which have developed it east of the great rivers, are found also in the mountains to the west, though not to the same extent.

The disturbance of the recent sedimentary rocks of the Coast Mountains, and the character of some of the intruded masses that has produced the tilting and dislocations, their identity with the stratified rocks on the eastern border of the great valleys, leads us to the conclusion that the causes of uplift which have been found among the latter, were continued partially to the coast in the same period. With respect to the agents that played an important part in these turbulent periods, there can be but little trouble in their discrimination, and ample testimony is found to identify them with the recent group of igneous rocks under consideration, and if these conclusions are correct, the character for permanency of these veins is beyond all cavil or doubt.

Future investigation may disprove this position, but until it is made evident that the veins of the recent group have been disturbed by other and more recent volcanic agents on either side of the great rivers, we can regard them in no other view than being among the last of an extensive series of disturbances which have operated principally through a large portion of the west flank of the Sierra Nevada at a comparatively recent period in the geological history of this part of the continent.

The metalliferous character of this group is in no way inferior to that of the older ranges of these rocks; the proof of this rests in the fact, that some of the best placers yet found in this country are included within its boundaries among the alluvium and drift deposits of the tertiary epoch. The gold generally found in these placers is of that character known among the miners as "rough or recent gold," having suffered but little from attrition by water; but it is not unfrequent to find the recent metal associated with that which has been much worn by attrition, and the two qualities thus appearing in the same placer range, can be regarded only as having different origins and ages. It would scarcely appear reasonable to suppose that two pieces of metal driven from the same source and subjected to the same action, should present smooth and rounded surface in the one, while its fellow beside it shall retain all its angularities as though just detached from its original matrix.

With reference to the older group of these veins there are features manifest which are both interesting and important, when we consider the immediate position of the recent group, to those of the older where both are found in contact. It has been remarked in the preceding pages that the veins of the older series have disturbed the greenstone below and the granite above only; a casual examination of the district in which these veins occur, would convey to the observer an idea that a



discrepancy in the statements must exist, from the fact that veins which pierce the granite are found to cut the stites also in the same section. As in the case of the Centreville veins, these will be found to belong to the more recent intrusions of these rocks, and wherever those features occur the recent group will be found playing the part of a disturbing agent on the primitive veins themselves and their investing rocks; so far as our experience goes in judging of the effects produced by these recent intrusions, their influence is not an injurious one, for the recent dike has thus far proved equally metalliferous with the primitive setts.

## CHARACTER AND POSITIONS OF THE OLDER VEINS BELOW THE SURFACE.

Under this head will be concluded all that we have to say upon the subject of gold mining in this State at the present time, and as the largest proportion of the mines of the State are situated on the older group of the quartz, the remarks that follow will be confined principally to that series.

In the northern part of the State,\* the granite rocks in which these veins are situated upon the surface, have been found to be underlied with another class of igneous rocks, which, from their nature and *presumed* age, it was feared might have so disturbed the "setts" as to render the successful prosecution of mining a doubtful project, and injurious speculation from this fact, have been indulged in to an extent that at one time threatened to destroy the well merited confidence which the discovery of these veins had induced from the outset; and for this reason no little degree of interest has been manifested both at home and abroad in relation to their future prospects.

Had those speculations which have been founded on presumptive evidence only, been confined to the sphere to which it legitimately belonged, and divested of the over-anxious fears expressed and manifested from abroad, the parties most directly interested would have suffered less inconvenience by loss of confidence and credit, which the voluntary conservators of our good in distant lands have been the means of inducing, and the public mind would have been unbiassed but for the opinions of men who should have had more discretion than to have hazarded their reputation on such premature evidences as they must have been possessed of at that time.

It is scarcely a supposable case, that men thousands of miles distant should be found adequate to judge correctly of the value of metalliferous districts, having never seen the sections alluded to, or even before the veins were known by the parties engaged in opening them. Elaborate discussions based upon presumptive analogy, may subserve the purpose of pleasing popular assemblies, but they will be found untenable and useless often, when applied to practical and systematic operations.

Mining exploration within the past eighteen months, has added much to our information relative to the position of metallic veins of the State, and the rocks with which they are associated. The granite series has

\* North of the Consumnes River.



been closely investigated, and in several of the mines the workings have been carried entirely through this rock, and contrary to the anticipations of the incredulous, the *setts* have not been *thrown* at the point of contact with the inferior rocks. Thus far the depth of the granite series has not been found to exceed a depth of but little more than one hundred feet, and in almost every case where shafts have been driven, either on the vein or beside it, the rock has been found in a highly decomposed state, thus presenting but little difficulty in passing through it. There are, in some localities, many small veins running out at different angles from the principal "*setts*," into the surrounding granite, and when thus appearing in the inverting rocks, marks of dislocation are observable. These interesting features define most clearly the energy and extent of the supporting and injecting forces from below, at the date of the intrusion of the veins, and the angles which the small cross-courses make with the main "*setts*" from which they emanate, shows most conclusively that the fracture of the superincumbent rocks must have been extensive. Another and a striking feature is also to be observed in this particular, which is, that the small threads found in the granite have a greater power when they enter the greenstone below; thus indicating that the intrusive dikes spent themselves principally in the superior granite above.

The entire mass of the granitic rocks in the vicinity of the quartz, is of a loose and incoherent texture, from the surface to the lowest point yet reached, and when brought from the greatest depths the same general characteristics are found to prevail throughout. It presents a crumbling, reddish and purple hue, at times faintly spotted with white, its felspathic constituent thus imparting a porphyritic appearance to considerable quantities. When damp it is somewhat clayey, in the dry state, after exposure to the air, it is easily crushed in the hand, giving the greasy feeling of some of the talcose minerals. These peculiar features may be best examined in and about the towns of Nevada and Grass Valley; for here they extend over several miles, and the extent to which mining operations have been carried in these sections, renders an examination of all the different phases that are presented in this class of veins, both easy and convenient.

Immediately below the granite, the greenstone is found underlying this entire section of country, in every instance in which the granite has been perforated, this rock has been found beneath, and when first met with in descending is much broken up, and the fissures filled with foreign infiltrations from above. The trap rock has a blueish-gray and greenish color, often highly charged with pyrites; the veins on entering this rock change their color from the deep reddish-brown, which they maintain in the granite above, and the cavities filled with the peroxide of iron which has resulted from the decomposition of the pyrites it originally contained, to a clear, white or semi-translucent mineral, holding considerable quantities of cubic and rhombic crystals of pyrites, which are more or less auriferous. In some of the trapean rocks arsenical pyrites is met with, but this latter is much more common in the southern districts, and on the forks of the American River.

In every mine throughout the northern districts, in which the greenstone has been reached, *the veins have penetrated this rock*, and in no one instance thus far is it found that the vein has either been *pinched or faulted*,

but the reverse is true, *that every sett has increased in power the deeper they descend.* Of six companies now in successful operation in Grass Valley, all of them are obtaining their ores from the greenstone, in larger quantity and better quality than was found to be the average in the granite above: on Deer Creek it is the same, and but two mines in this district still continue in the granite, viz:—the Illinois and Gold Tunnel mines, the lower gallery of the latter is within nine feet of the greenstone, with an increasing power in the “sett” at the point of working. In the counties of Butte and Shasta, the same fact prevails, and in each of those mines, which have entered the trap there has been no diminution in the power of the vein or qualities of the ore.

The depth to which some of these veins are found to enter the greenstone has been fifty-five feet, at the present time, and at this depth into this rock they bear all the reasonable evidence of continuing to an unlimited depth, and being of more recent date than their investing series. The greenstone in close proximity to the dikes is found much shattered and disturbed, exhibiting evidences of displacement subsequent to fracture, the inclination of the disturbed masses corresponding to the dip of the vein, the line of fracture form angles of fifty to seventy degrees to the dip of the “sett,” and as high as forty in some cases with the horizon; this gives a stratified appearance to these rocks; this peculiar feature is observable at the Osborn Hill Mine, and is indicated by the heavy lines in the sketch of its transverse section. At this mine may also be observed the other peculiarities before noticed, the highly decomposed and broken character of the upper part of the greenstone of seventeen feet below; at the Lafayette and Helvetia Mine, similar features are to be observed of the semi-stratified appearance of the greenstone, caused by the intrusion of the quartz dike through it; the entire length of the adit level of this mine is driven entirely through this rock a distance of about eleven hundred feet.

On Deer Creek, five miles north of Green Valley, we find a material change in the relative position of the metallic veins to the investing rocks, at the Gold Tunnel, as before remarked, the “sett” is exclusively in granite, while at the Wyoming Mine, one and a half miles below, the “sett” is situated in the greenstone inferiorly and the slate above, while in the adjacent mine above the Wyoming, slate and granite in the middle and greenstone below is the order of arrangement. At this mine may be observed one of those interesting features noticed in the concluding paragraphs of the Recent Group, and when we compare the accompanying sketches of the Osborn Hill and Wyoming, a sufficient illustration of the relative ages of the group will appear. The present working “sett” of the latter mine is protruded through the primitive rocks, and also through the slate above them, and from its dip it must pass through older veins at a depth probably not exceeding four hundred feet below their present level. The slate which lies superior in this mine is evidently of the same age as that occurring among the foot-hills toward the valley, and as the sketch of this mine illustrates, the vein passes entirely through them; the dip of this vein is forty-three degrees east, while those of the adjacent mine above varies from thirty-two to thirty-eight degrees. It is not surprising that a recent “sett” in passing through the cross-course of an older vein, or through a part of a primitive vein, should produce

valuable deposits of metal which has taken place in this mine in several instances, and it serves for an illustration of the principle advanced in the preceeding pages, that the recent veins were equally metalliferous with those of the primitive series, wherever and whenever found in this State.

From the facts thus far presented to your consideration respecting the known position of these rocks in the northern part of the State, some evidence at least exists, that those veins thus far opened are now proved to have cut through that suite of igneous rocks which heretofore have been supposed would destroy their continuity to any considerable depth below the surface. Already has the establishment of this point exerted an influence which is beginning to be strongly felt, and is restoring that confidence in gold mining which it long since lost. More capital has been invested within the preceeding four months in this branch of employment, than in the entire time which has elapsed since the general suspension of these operations. From the developments which have been made relating to the permanency of their character within the past year, individuals are fast becoming satisfied that the metallic veins of this State merit that confidence which is fast returning. If other testimony is required than that already cited of the almost certainty of their continuation to unlimited depths, it will become necessary to search out some other formations than those acknowledged to be the foundation on which rest the superstructure of this teraqueous sphere, for it is evident if facts have any weight, that they have disturbed the lowest of all known rocks.

It may be argued that the shallow depth, fifty feet into the greenstone, is not positive, but that these veins may be faulted by more recent volcanic intrusions below this point. This is possibly true, but at the same time, is there any good reason for such a supposition when no evidence of such disturbances are observable above the surface in their vicinity, and when those intrusive rocks are not to be found to depths of two or three thousand feet below the summits of those ridges on which these mines are located in many instances. There are many deep gorges among our mountains which exhibit the character of the rocks composing them to the depths above named, and on examination of their structure will convince an unbiassed observer of their primitive character. Among these gorges it is not unfrequent to find the quartz veins extending from their bottom to various hights, ranging as high as six hundred feet in every instance in which these veins are met among the rocks in situ. They possess their *greatest power at their lowest point*. In one instance I well remember having traced a dike of this rock from the river to the highth of thirteen hundred feet, a drawing of which is still in my possession; the "sitt" thinned out to small threads at this hight, with a diminishing power from the base of the hill to the summit; this vein passes through greenstone and porphyry, granite and slate, successively, until it finally spent itself among the latter. If intrusive dikes are found to increase in power as their distance below the surface increases, we may reasonably conclude that they may continue to a depth below, equal to that which may be found above, in a case like the last one cited, provided the rocks beneath the lowest point at which it is observable continue of the same character.



Abundant examples of this character are to be met with throughout our mountains, and with such evidence before us, the character of these metallic veins for permanency must be placed beyond suspicion or doubt, and our testimony on this point extends much beyond any that has, as yet, been adduced. In the County of Calaveras, an extensive lode, two miles in length, has been laid open in such a manner that a vertical depth of eight hundred feet of the vein is now exposed to view.

The dike cuts through two ridges, which separate two streams of water, and the companies located on these streams have sunk their shafts to the depth of over one hundred feet, directly under the beds of the creeks, and have driven their galleries each way until within a few feet of each other: the vein in one shaft has a power of thirty-seven feet, but in no point on the "sett" is it less than five, in each of the five mines located on this vein, the power of the "sett" has uniformly increased the deeper they have descended. In this case we have a thorough examination of one, at least, of our metallic veins, which will compare with some of the operations in other countries, and we may deduce some safe conclusions respecting their probable stability, if depth below the surface becomes an essential requisite to establish that point.

The rocks through which these veins pass are principally of the alcosse series, with greenstone, hornblende schists, and syenite, in the immediate vicinity; the dikes have cut through all of them in succession without having suffered any deflection from that parallelism which must have ensued, if any of the rocks with which they are found in contact, had an age posterior to the dikes themselves. This district is particularly noticed in connection with this part of our subject, for the purpose of exhibiting the stronger probability of permanency in the quartz veins of this country, for the reason that if disturbance in their position is likely to ensue in any part of this State, it would be likely to occur in these sections, as the effects of recent volcanic action is more prominent throughout the southern portions of the mining districts than any other part of the west flank of the Sierra Nevada.

From what testimony we have in our possession relative to these veins, it seems but reasonable to conclude that their integrity is perfect, or as nearly so as can be reasonably expected considering the short period which has been employed in developing their true character, and that the confidence which they formerly possessed was well grounded; all subsequent examinations have only tended to confirm this belief in the minds of those who have carefully and diligently studied this subject. The present condition of our gold mines, their flourishing state and prospective value, based on facts as now developed, most clearly indicate their importance, as an industrial pursuit and one destined ere long to form one of the leading interests in the economy of the State; and as such it would seem that all prudent measures to develop farther their extent and value, and place them upon that footing before the world which that value and importance demands should be used, either through the State or General Government, and through them promote such measures as will prove an inducement to more extensive and permanent operations than has yet been done.

In concluding this part of the report, and in connection with the magnitude and importance of perhaps a somewhat exciting principle in



relation to it, I would beg leave to call your attention to a point or which there has heretofore existed much diversity of opinion, which not unfrequently has engendered angry discussion and beligerent feeling in a large proportion of our mining population. The experience of the last three years has elucidated the fact most clearly that the two mining interests of this State cannot be governed by the same rule of law in all cases, and prove alike advantageous to both: it is therefore suggested whether some method more congenial to this interest may not be adopted, that will favor the occupancy and improvement of the metallic veins of this State, giving at the same time widest scope and protection to all at present engaged, and those who may wish hereafter to enter upon those pursuits.

## PRESENT GOVERNMENT OF METALLIC VEINS.

Before entering upon this part of our subject I will state, that throughout every part of the mining counties, which it has been my fortune to visit, in my examinations of previous years, and up to the present time, the subject of needful protection to capital investment and labor in this branch of mining, has been fully and unequivocally expressed by those engaged and interested in it, and by a large portion of those engaged in placer mining, having no direct connection with the former. And it is at the solicitation of nearly *every individual* engaged in the pursuit of mining on veins, that the subject is presented to your consideration at the present time. A wish has long since been expressed, and urged through all the various channels of communication, that the present tenure by which this species of property is holden and conveyd may be changed in such manner as may render available capital investments, which must be largely employed in order to develop those sources of wealth and insure their occupancy.

It is perhaps a questionable point whether the State government is vested with the power to cede and convey title in fee to lands containing the precious metals, even were that title absolutely required from the nature of existing circumstances: but whether her jurisdiction in the case be sovereign or not, she legitimately possesses a conservative jurisdiction over such lands, and through that power, as a member of the great confederacy, may exert an influence to obtain such modifications of existing laws of the general government, as would conflict with the common interests of her citizens, or of those rules and regulations temporarily instituted by the State, which by their present action, have a tendency to cripple and reduce her otherwise available means of revenue.

Under this form of the question it becomes a matter of some importance to consider, whether the entire interests of the State would not be materially and beneficially affected, by placing such lands as are under its conservative influence in a position that would be likely to yield a revenue from their occupancy, and which at the same time would yield an adequate security for the investment of capital to be employed in their developement. A system of law that would induce a more extensive occupancy than that now existing must insure, as a resultant, a corresponding increase of revenue, thereby

ducing taxation on the great mass, render less burdensome the support of the State government.

A course of action that would accomplish this end, and at the same time prevent that result which it has been the careful study of the representatives of the people to guard against, and whose every effort has been directed to reserve to the people the most liberal policy in the acquirement of wealth from the varied and prolific sources presented in no other country than this, must be unobjectionable either to the miner or merchant.

A strong objection has been urged against the sale of mineral lands, and justly too, as in this case the title must pass into the hands of private parties, which in most countries has proved objectionable in many particulars, and a course of this kind could never meet the approbation of a large majority of the population, in the present state of our information. In all other countries but in our own, the title to mineral lands is vested in the crown, or general government, (with the exception of Great Britain,) and the title or permission to use or occupy can emanate only from that source, where it properly belongs. In all countries where mines of the precious metals have been found, different policies for their government have been pursued, but as yet that policy which has been the most liberal, and at the same time protective of private rights, is found to have exerted the widest and most beneficial influence in their development and occupancy; under such a system it is impossible for it to do otherwise than prosper, and the experience of nearly three centuries have gone to substantiate that fact.

There can be no possible objection to the *general principles* on which our present system is founded, it is the same that made Spain and Mexico what they were and are, and one that with these countries has stood the tests of time, the best proof of its utility and universal applications. Throughout all the political changes that have convulsed and shattered the civil codes of these governments, no change or alteration of a restrictive tendency has been made in the Ordinances des Mineria. For the last fifty years no change that in the least has affected its vital features, except to render them more liberal and congenial; its dictates with them are as sacred as their holy creed, and to molest or change its principles would be regarded as equally sacrilegious.

Under that system individual rights in mines are scrupulously respected, and strict non compliance with its requisitions are followed by a reversion of property rights to the crown, from which only can a similar title be obtained by others wishing to occupy and improve.

The history of mining proper throughout the world, has taught us that it is impossible to pursue that business to advantage without heavy outlays of capital; this applies equally to mining for silver or gold; the great amount of labor and expense attendant in opening a mine is the cause of this, that touch alone often being the work of years, before the reduction of any of the metals take place whereby any return of profits can be realized. We are not wanting in illustrations of this kind, they are as wide-spread as the mining operations of the world; and if more definite examples of this fact are required than the general history of this branch of industry, we need but refer to the superficial operations of our own State heretofore, to show that limited means cannot succeed in gold mining, though the veins produc-

ing the metal may be (as they frequently are in this country,) exceedingly productive.

Our citizens embarked in this delusive speculation in a most inconsiderate manner. The results that followed from their earlier operations are too well known : the capital at their command, being small, was expended even before their veins were opened, and this great lever of success in these operations being thus early suspended, prevented the prosecution of the enterprise to a successful termination, which would have ended in profit in place of loss.

The fault, "if fault there be," lay at the door of misguided apprehensions, induced by flattering reports of results which had flowed from hasty examinations, but not in the veins themselves ; as these were dumb, and unable to speak for themselves, until men of larger means developed their capabilities, the cause of failure was attributed to a want of metal in the lodes ; hence the distrust which has up to the present time attached itself to this branch of mining, and has resulted in serious loss to the country at large, as well as to the private citizen.

A few have grappled through against all obstacles, who were fortunate enough to command the necessary means, and now have their mines opened and in successful operation. But it has been at the expense of heavy outlays of capital, and nearly two years of industrious application and hard labor ; the results which they have produced has been the means of fixing on a permanent basis, the character of these mines, which it will be difficult to affect injuriously hereafter ; and their integrity as lucrative employments, and safety for capital investments in themselves, is questioned by none who are conversant with their present condition.

Notwithstanding their acknowledged intrinsic value, there is an incubus resting upon them, which prevents, and must still prevent, their more extensive occupancy, and until removed in some manner, will stand as an insuperable obstacle to their future progress. This rests in the doubtful and uncertain tenure, by which these mines are held, being subject, as they are, to the government of the majority of the people in the district in which they are located, and whose interests directly considered, are both unconnected and foreign, though following a profession similar in some respects to that under consideration.

The position of the Placer miner, and those engaged on veins, is different in many respects. In the case of the former, there is but a comparatively small amount of capital requisite to pursue his business advantageously and successfully : in the other, experience has fully demonstrated that he cannot pursue his business successfully without large expenditures. In the case of the former, the extraction of gold is conducted by the simple process of washing ; in the other, it can be extracted from the gangue often only by complex metallurgical processes, and subjected even then to much uncertainty, and, at times, loss—requiring what the Placer does not, the employment of men who have made it the study of their lives, and the use of means mechanical and scientific, which do not come within the requisition of the former, to conduct his operations to a successful issue.

The operations of the placer miner are generally limited as to time, seldom exceeding a year in the same locality, on his removal his interests in his former residence ceases ; in the case of the miner engaged on veins, he



inds that his operations must be continued through a series of years in order to secure a fair remuneration for his labors, and if he removes to other parts of the State, his interests in the locality he left does not cease, as his capital investments still remain and continue a permanent source of revenue to the State and county in which they are located. The implements of the placer miner are few, and easily obtained or disposed of if he wishes to remove but, it is widely different with the other. He is obliged to obtain expensive machinery to obtain profitable results from his labors, and heavy sacrifice is often the attendant, if it is his misfortune to fail in his operations from any causes either natural or artificial.

The effect of placer mining in all parts of the world has been, to produce a wandering and unstable community, no better example is to be found than in our own State; it is a true illustration of what has occurred in other countries whose features simulate our own; and to remedy this has been the aim of our State government almost from its earliest foundation; how far its efforts have been attended with success its present history will clearly elucidate. The attempt to induce a permanent settlement in the mountains can be said to have partially succeeded only, and this has occurred in those instances where the parties thus locating have been enabled to avail themselves of interests that would partake of a degree of permanency for a series of years; their titles to improvements on the lands such persons occupy, being retained only by the law of sufferance, subject to the decrees of the majority residing in their vicinity if found to be auriferous.

On the broad platform of "equal right and equal privilege," which has been the governing principle of this State in its most extended sense from its earliest occupancy, the dim outline of a desire to establish permanency in the settlement of the mountain districts has been manifested, and at the present time it has become a distinguishing feature in a large portion of the mining population, in mining employments it is equally apparent as in agriculture; among the most stringent advocates of a "*masterly inactivity*" in regard to the government of the mines, two years ago, are now to be found men equally earnest in their advocacy of vesting rights that shall partake of the character of permanency, and protective where his operations require investments, to secure competency and reward for his labours. Experience has taught us that necessity, if we would foster those employments which it has been our pride to boast, and where no subversion of those fundamental principles on which our laws are founded can take place.

In every county of the State where quartz mining has been conducted this will be found a striking feature in each and all of their operations, and has been particularly manifested in some of the northern counties, where more stringency in the enforcement of mining laws of former years existed, than probably any other part of the State; the effects of this course of action was equally manifest abroad, in the Atlantic States and Europe, when the construction of the present mining code was published in those countries. In one of our northern counties a system has been founded on this code which under certain conditions, (consisting of a given amount of improvements only) conveys a title in fee to all intents and purposes; and another by which parties have the right of holding all that they may be able to purchase. This course of action among miners themselves must be viewed as a plain and clearly defined wish, on their part, to extend over the country a system



of government that shall prove alike conducive to the enhancement of these interests and the public welfare, and offer by these means inducements for the investments of capital from abroad ; its effects would prove beneficial inasmuch as every dollar of capital thus invested would become so much available means of revenue and serve to retain a much greater amount of the gold extracted from our hills, within the State.

From the nature of gold-mining proper, it results as a consequence almost, that those who engage in it, must become permanent settlers, as their operations if successful become the work of years instead of a few months, and their investments, when made, are done with that view. Under these circumstances does it not become a matter of correct policy to separate the interests of the placer miner and those engaged on veins, in such a manner that those engaged in each branch may enjoy that liberty which the placer miner now possesses, and which is enjoyed by the other only by the sufferance of the former in the largest majority of cases ; giving to each the right to enact those laws, which they in their good judgment will find most conducive to their separate interests, and which from their nature and attendant circumstances are very dissimilar and foreign.

The jealousies and feeling arising from the suspicion entertained by each other, which has heretofore and at the present time exists to a considerable extent, in these two branches of industry would, by the above course be done away, and a much greater degree of stability in mining proper would be the result, (which under the present arrangement of affairs can hardly exist) in which its prosperity to a great extent is involved : its influence would not only be made manifest here, but it would give a confidence abroad in these operations which they do not now possess, and to which we must look for those means by which we shall be able to conduct gold-mining successfully and with profit.

The entire separation of these interests would be regarded abroad as the opening of a new era in the mining history of this State, fraught with beneficial results, and involving a vital interest in her future economy, advantageous alike to the revenues of the State and to the people ; it would remove that serious obstacle at present in the path of its progress, viz : "the insecurity that now exists for invested capital, from the motative policy heretofore pursued," and restore that confidence which such a policy has in a great measure been the means of destroying.

The mines of this State are of a character and value, which if placed in a proper position, will invite investment from abroad, to an amount little less than twenty millions of dollars within the next eight years ; this presumption is founded on the fact that more than one sixth of that amount is at the present time in active operation in this country, and its largest proportion has been derived from American sources, during a portion of that period when public confidence had been shaken in regard to their value. Negotiations are now pending which involve nearly one million more of capital investment in this branch of mining, nearly one half of which is in the cities of Boston and New York.

Considering the disadvantages that now surround them, as shown from the facts relating thereto, they can but be regarded as the prolific sources of wealth in this country ; and every inducement consistent with the liberal

policy adopted in the government of the placers, is equally applicable and should be extended to them.

The following pages will contain a brief notice of some of the principal mines of the State with a list of those in successful operation and their locations. Also a table of Barometric Altitudes; and Catalogue of Minerals obtained during the tour, to be placed in the State Cabinet.

### LA FAYETTE AND HELVETIA MINE.

This company is located at Grass Valley, Nevada County, and the sketch of the workings of their mine is taken from the La Fayette Hill vein only about two miles south-west of the town. The length of the vein at the above hill is eleven hundred feet; it has a curvilinear course, varying from north-east to south-west; its mean, however, when marked on a right line is north, ten degrees east. The dip of the vein is forty-one degrees east, having a power of three feet at the depth of thirty-four feet; at this point the ore was of a poorer quality than at any other point. The depth of the present working is about 55 feet, and here the vein increases in power and value, being equal to three feet eight inches, and yielding in a large amount of ore, forty dollars per ton. The vein, when discovered, was covered with yellow brown alluvium for five feet, and passed through this and decomposed granite of a purple color fifteen feet, when it entered a mass of decomposed and fragmentary greenstone of five feet depth, thence into compact rock of the same character and continued to the depth of fifty-five feet.

Adit level is 1100 feet in length, exclusive of tram road for conveying ore and attle from the mine; it extends through the whole length of their claim. At their present depth all the ore is obtained by blasting, which adds much to the expense of the mine. The cost of obtaining ore from this mine is from seven to eight dollars per ton at present rates of labor. The company have about 900 feet of vein in Gold Hill, which requires no blasting and is obtained at the mill for five dollars per ton.

The La Fayette Hill vein was much decomposed for the depth of thirty feet, and contained a large quantity of peroxide iron and free gold; after passing into the compact greenstone the vein becomes quite firm, and highly charged with pyrites investing gold; the crystals were white and well-terminated, generally perfect in form. In some parts of the mine, galena is met with and gold imbedded in it; an examination of this latter mineral has not been made for silver, but from its appearance it is quite probable that it contains this metal. The matrix of the ore is a bluish white and translucent, in pieces of one inch in thickness; the blue tint of the vein in the vicinity of the shafts is due in a great measure to finely divided particles of lead.

The capital of this company is about three hundred thousand dollars, and their receipts in four months has been as high as \$98,000, but their average is near \$10,000 per month; the mine has yielded with great uniformity since the commencement of operations, and bids fair for future success.

This mine has two Batteries and when in full operation is capable of reducing forty tons of ore per day, but one battery is run at a time as the

amalgamating apparatus is not of sufficient capacity at present to dispose of that amount of ore judiciously, the amalgamating instruments consist of Cram's Cylinder and Berdan's Amalgamator, in the latter about fifteen per cent of the gross amount is saved after it has passed through the other instruments; this arises from the fact that Berdan's instrument possesses a levigating power from revolving balls in the instrument which gives a new surface to the material passing under them.

### GOLD HILL MINE.

This mine is located in the town of Grass Valley on the first hill to the west of the village. The mine was first opened in 1851 and worked to a considerable extent and profit, subsequently it passed to the hands of the Agua Frio Company under the superintendence of their agent Mr. Atwood in whose possession it now remains; after an examination of the mine the old method of working was given up, and a new system of operations entered upon in order to tap the vein at the lowest possible point and at the same time afford easy transit to the reduction works and drainage to the mine. With this view an adit was commenced about fifteen feet above the level of the creek which flows in front of the town, and carried west through the base of the hill for a distance of seven-hundred feet, cutting through alluvium and decomposed granite most of the way, at the west end of the adit which cuts the vein nearly at right angles, the shaft marked A in the longitudinal section was intersected at a depth of ninety feet below the surface: from near the ninety feet shaft a level has been driven to the north on the strike of the vein about seventy feet marked, D, also two other levels east of it, E, F, which intersect the north crosscut D of the ground plan; a winze has been sunk below the water level sixteen feet marked H, of the longitudinal section; this disposition in the working of the mine affords many advantages in the extraction of the ore and attle and easy communication with all parts of the mine and surface, and the intersection of the shaft A produces ample ventilation. The vein intersects the greenstone at the bottom of the air shaft, and as in the case of the Lafayette has cut completely through it; increasing in power as it enters this rock, about one thousand tons of ore was in the yard at the time I visited the mine ready to pass through the reduction works. From the end of the long adit a tram road four-hundred feet in length passes to the mill on which by *mule power*, the ore is conveyed from the farthest part of the mine. The ground plan exhibits the crosscuts and levels and their connection with the mill.

The strike of the vein is north and south dipping east at an angle of 24 degrees, with a vein whose power at ninety feet was nearly three feet: the transverse section is shown the air shaft entering the greenstone and intersecting the vein, with the increase in power of the vein from the surface to the lowest point worked. The ores in the greenstone differ in no particular from those of the Lafayette, with the exception that none of the plumbic sulphuret was observed at this mine though the vein has much the same blue tint. The reduction works of this company were not completed in November and no opportunity was afforded to witness their process at that time; it was expected that their machinery would be capable of reducing over one



hundred tons of ore per day, which from its appearance would not be a large estimate, it is probably the most powerful machinery in this country and will compare with any in Europe.

The operations of this mine are looked for with considerable interest at home and abroad, as their capacities for reduction are much more extensive than any hitherto put up in this country.

### OSBORN HILL MINE.

This mine is located two miles east of Grass Valley, it has been opened on the course of the vein four-hundred and fifty feet and from sixty-five to seventy feet in depth. Vein strikes north and south dipping east at an angle of forty degrees; the transverse section shows a depth of sixty-five feet; the shaft was carried through twelve feet of alluvium, seven of clay slate, seventeen of a much broken and decomposed greenstone, and fifteen feet of compact rock of the same character; total depth including winze I is nearly seventy feet. The vein at this mine has dislocated all the rocks above it and possesses that half stratified appearance as in the Lafayette, arising from fracture by the intrusive vein. The power of the vein is about three feet at the depth of sixty-five feet. In the longitudinal section, the levels which have been driven are given to scale and their different lengths are found by reference to the sketch. This mine has been one of the most flourishing and profitable of the State and has been conducted with much prudence and economy.

### WYOMING MINE.

This mine is situated on the north bank of Deer Creek, about two miles below the town of Nevada; its altitude above the Creek is two hundred and forty feet, and the higher parts of the outcrop on the line of the vein will reach nearly or quite three hundred feet above the same point. An adit was driven about two hundred feet through clay slate, which intersected the vein at this point, at an angle of about twenty-seven degrees. From this, two levels have been driven on the vein, of one hundred and twenty and fifty feet each, and a winze of twenty-five. The vein dips east with an angle of forty five degrees, having a strike north and south, with a power of three feet. Fifty feet below the upper adit, another was commenced and carried to a hundred and twenty-five feet, intending to intersect the vein at one hundred feet below the surface of the shaft F; at seventy-six feet the greenstone was met, and the adit carried fifty feet into it. At the junction of the slates and trap, the former are much changed, evidently from the effects of heat, while at the junction of the slates and vein, above this, they have again suffered from the intrusion of the latter.

On the south side of the hill the vein crops cut through the trap two hundred feet below the summit, with an increased power, leaving no room for doubt of the permanency of its character. In this mine one of the recent veins has cut through from the Bunker Hill Mine, east of this, which produced a valuable nest of ore; the dip of the principal Wyoming



Vein, if it holds its present inclination, must cut the older lodes at the depth of four or five hundred feet, and its situation is such that ample drainage and ventilation can be obtained.

### GOLD TUNNEL MINE.

The mine bearing this name is located half a mile west of the town of Nevada, on Deer Creek, and has been worked successfully since its discovery in 1850 or '51. It was originally a placer claim and was found while working the banks of the creek for placer gold. Soon after its discovery an engine was erected upon the ground and the vein opened; it was commenced by driving an adit level on the vein, which was subsequently abandoned and a new level commenced at the point at which the present reduction works are situated.

The length of the present level is three hundred and seventy-five feet, and has an inclination of ten degrees from the horizontal line; three winzes have been drove on the lower side of the adit [L. F. II.] which are respectively thirty, twenty and twelve feet, with a level of twenty-five feet between the winzes F. and H. On the opposite side two cements of fifty feet each, and a gallery connecting both, of one hundred and twenty-five feet, with a corresponding one connecting the winzes on the lower side. All the ore included within the dash lines has been stopped out. This vein is situated in granite, and thus far has been loose and incoherent; this is attributable to the large amount of pyrites contained in the vein, as is shown at any point where the quartz retains any solidity; the gold is in a free state in the gossan, of which there are large quantities throughout the mine: the operators on this vein have been eminently successful, and their mine bids fair to continue valuable. The strike of their vein, north ten degrees east, dipping east ten degrees south, at an angle of thirty-eight degrees.

### ILLINOIS MINE.

The Illinois Mine is situated directly opposite the Gold Tunnel on the south bank of Deer Creek, and is a continuation of the same vein, it has all the characteristics of the former throughout. The length of their upper gallery is four hundred and fifty feet and that of the lower, two hundred and fifty; two cross-cuts have been driven which connect the galleries at C. D. each fifty feet in length.

### JONES AND DAVIS MINE, HERBERTVILLE, CALAVERAS COUNTY.

The mine of this company is located on the east side of a small tributary running into Amador Creek, the latter passes through the town of Amador one mile north of this mine; the top of the whim-shaft, C, is one hundred and forty-five feet above the level of the creek, and ninety feet below the outcrop of the vein on which the shaft, C, has been sunk; at shaft 4 the

vein is three hundred and fifty feet above the Amidor, and increases in altitude for half a mile, until it arrives at the height of four hundred feet above the town. The company have sunk two shafts of ninety feet on the vein, and drove two galleries, the upper one A being two hundred and eighty feet, the lower, B, one hundred and fifty feet, and are driving in the course of the dotted lines to run a third gallery at the depth of fifty feet below the point B. Figures 1, 2, 3, are stopes from which they are now obtaining their ore, being conveyed along the lower level to the whim-shaft and thence elevated to the surface; from thence it is conveyed on a tram road 600 feet to the reduction works at its terminus.

The design for future operations is to cut an adit a short distance north of the mill, and intersect the vein at a point which will give a depth of three hundred feet from its highest point to a level with the end of their present tram road, and then stope down from this point, which will not only furnish an abundance of ore, if the vein retains its present power, but materially lessen the expense of its extraction. This will be accomplished in a distance of three hundred yards, and probably less. This mine is very systematically arranged for the comfort of the miner, and obtaining all the ores easily, and reflects much credit on its projectors; the sketch of the mine, drawn to scale on the spot, will fully elucidate itself; its convenience of arrangement, considering its local position, will be found equal to all its necessary requirements.

The vein is invested in chlorite and talcose rocks, throughout its whole extent, being nearly three miles in length. On the eastern side of the vein a graphic slate occurs, having a thickness of one or two feet; outside of this a bed of chlorite, from five to ten feet, much discolored by graphite, at times perfectly black and staining the hand easily. On the west side, a greenish chlorite occurs, next the vein, highly pyritiferous and often containing considerable gold; the power of the vein at ninety feet depth is six feet, and has steadily increased from the surface down; its strike is north-west by west, with a corresponding dip east and south, of fifty-five degrees. The color of the vein is bluish-white, with black seams of graphite, giving a ribband-like appearance in the mass; it is highly pyritiferous, and when properly roasted, crumbles easily; some parts of the vein contain an arsenical pyrites, which has an injurious effect in the reducing process, by preventing perfect amalgamation; this is caused by roasting the ores in contact with charcoal which should not be practised in these varieties of ores.

### SPRING HILL MINE.

This mine is located on Amadore Creek, at the east end of the town and one mile north of the preceding mine. The company commenced operations on this sett in 1851, and have continued uninterrupted since that time; it is located on the same vein as the former, and crops out to the height of 530 feet on the highest point of the hill between Jones, Davis & Co.

Two inclined shafts have been sunk on the vein to about 75 feet below the bed of the creek, at which point the sett has a power of six feet; in its general character it differs in no wise from the mine one mile south, except in the disposition of investing rocks. At Spring Hill the graphic slates

which form the gangue are found on the west side of the vein, in place of the east as at Davis' mine. This was evidently caused by an unequal displacement at the period of intrusion of the dike, resulting from the transverse fracture forming the cross course on which Johnson's mine is situated; the resistance being less in that direction at the time of fracture in the incumbent rocks. This cross-fracture had the effect also to throw the intrusive mass from a right line at the time it broke through, for the entire length of the dike, giving it at first view the appearance rather of two sets in place of one which they in reality are. There are many similar features attending the veins of this country, which has created no little confusion in regard to their true position; and of themselves though they may appear insignificant, yet with the miner they involve questions of high importance, and exert an influence either prejudicial or favorable upon his operations, as their position may be clearly or distinctly known.

The study of our system of metallic veins and its correct development, involves some of the most important interests of the State; a correct knowledge of their position is much desired, but as the limits of this report will not admit that examination which they require, further allusion to the subject will be omitted.

All the vein between shafts and to the point E, has been stopped out with the exception of a small body of vein to support the walls of the mine and attle F F. The mine from its proximity to the creek has considerable water but is kept free by one of Farnham's double-action pumps placed at the shaft B, while the shaft A is used for bringing the ore to the surface.

### AMADORE COMPANY MINE.

This is situated on the opposite side of the Creek from the Spring Hill mine, and on the same sett. Their operations have been conducted below the bed of the creek, to the depth of nearly one hundred feet. Shaft D is the whim shaft, 97 feet, and is to the depth of 100 feet, at the bottom of which a 37 foot horse has been struck, all the ore from the lower level A C has been stoped out, the points I supporting the otile. Reference to the sketch will present its position at the date of visiting it.

The strike of the vein in both the latter, is north by west, dipping east 65 degrees.

### RANCHOREE MINE.

Is located one mile north of the preceding, and on the ridge dividing the Amadore and Ranchoree Creeks; their reduction works are about half a mile west of the town of Ranchoree.

The upper portion of their vein is situated 420 feet above the creek; on the vein are three shafts of about 70 feet, and two levels of 110 and 75 feet respectively; they are now driving on the level I, to obtain drainage and easy transit for their ores to the mill; the plan of operations will be seen on the sketch marked by the dash lines. The vein at this lower level gives a good ore, and has the same investing rocks as at the upper levels. The

vein strikes north 25 degrees west, dipping east, with a power of four feet. The investing rocks are talcose slates.

### KEYSTONE MINE.

This mine is situated on the arroya leading into the Amadore, one mile below Jones & Davis' mine; it appears to be a parallel vein, half a mile west of the line uniting the latter and the Spring Hill mine; the ores partake of all the general characters of the other two mines, and it is situated 25 feet above the level of the creek. The sett of Jones, Davis & Co. and the Spring Hill are in the high hill east of the workings figured in the sketch for the Keystone Mine.

This vein strikes north 10 degrees west, dipping 40 degrees east, with a power of five feet; the investing rocks are the graphic slate and chlorites, as found in all the others in this neighborhood.

### EUREKA MINE, SUTTER, CALAVERAS COUNTY.

This mine is located a short distance south of the town of Sutter. The company have one shaft, A, which is used for the whim by which the ore is at present taken from the mine: a cross cut, seen at D, in the ground plan, was carried east 140 feet, intersecting the level, D, and main shaft, from this the gallery, B, was carried south 135 feet, and subsequently the lower level, C, was driven each way a distance of 230 feet.

The mine is in active operation, and they are now driving an adit on the east side of the hill, which will intersect their vein at an angle of 65 degrees to its line of strike, this will be 400 feet in length, and will afford easy and rapid communication with the reduction works. At the end of the adit a tram-road is constructed 2800 feet, which connects with the mill; the gallery, B, 2, will be connected with the adit in the dotted line, F, of the ground plan.

The vein of this company is in chlorite, and has a strike north and south, dipping east 55 degrees, with a power of five feet; the vein has a ribband like appearance in masses, from small seams of graphic slate running through it. The vein contains some arsenical ores, which are highly auriferous.



## LIST OF GOLD MINES

*At present in operation in California, with location, power employed, &c.*

| COUNTY.    | TOWNS, ETC.          | NAME OF MINE.         | LOCALITY.          | POWER.  |
|------------|----------------------|-----------------------|--------------------|---------|
| Nevada.    | Nevada and vicinity. | Gold Tunnel.          | Deer Creek.        | Steam.  |
| "          | "                    | Golden Gate.          | Little Deer Creek. | "       |
| "          | "                    | Nevada.               | Deer Creek.        | Water.] |
| "          | "                    | Wyoming.              | "                  | "       |
| "          | "                    | Wisconsin.            | East of town.      | "       |
| "          | "                    | Illinois.             | Deer Creek.        | "       |
| "          | "                    | El Dorado.            | "                  | "       |
| "          | Grass Valley.        | Gold Hill.            | West of town.      | Steam.  |
| "          | "                    | Crossett and Collins. | Osborn Hill.       | "       |
| "          | "                    | Empire.               | Ophir Hill.        | "       |
| "          | "                    | French.               | Union Hill.        | "       |
| "          | "                    | Lafayette & Helvetia. | Lafayette Hill.    | "       |
| Butte.     | Jamison Creek.       | Washington.           | Jamison.           | "       |
| "          | "                    | Eureka.               | "                  | Water.  |
| Sierra.    | Downieville.         | Arch.                 | South Fork.        | "       |
| Yuba.      | Brown's Valley.      | Huntley's.            | "                  | Steam.  |
| Shasta.    | "                    | Kelby's.              | "                  | "       |
| "          | Mt. Washington.      | Mt. Washington.       | "                  | "       |
| Siskiyou.  | Scott's Valley.      | Stents.               | Scott River.       | Steam.  |
| "          | "                    | Shackelford's.        | Scott Valley.      | "       |
| "          | "                    | Moffat's.             | "                  | Water.  |
| "          | "                    | Martin's.             | Humbug Creek.      | "       |
| Klamath.   | Sealey's Flat.       | McDermott's.          | "                  | "       |
| El Dorado. | Union Town.          | Union.                | Marthenas Creek.   | Steam.  |
| "          | Quartzville.         | Thomas's.             | Consumnes River.   | Water.  |
| Calaveras. | Ranchoree.           | Ranchoree.            | Creek.             | "       |
| "          | Amidor.              | Amidor.               | Town and Creek.    | Steam.  |
| "          | Spring Hill.         | "                     | "                  | "       |
| "          | Amidor.              | Keystone.             | Tributary Creek.   | "       |
| "          | Herbertville.        | Jones & Davis's.      | "                  | "       |
| "          | "                    | Lee & Johnson.        | "                  | "       |
| "          | Mokelumne Ridge.     | Woodhouse.            | "                  | "       |
| "          | "                    | Pharris.              | "                  | "       |
| "          | "                    | "                     | "                  | "       |
| "          | Sutter.              | Eureka.               | Sutter Creek.      | Water.  |
| "          | "                    | Amidor, No. 2.        | "                  | Steam.  |
| "          | Jackson.             | Oneida.               | "                  | "       |
| Tuolumne.  | Maxwell Creek.       | Harris's.             | Creek.             | "       |
| "          | Coulterville.        | Maxwell Creek Co.     | "                  | "       |
| "          | Merced River.        | Marble Springs.       | North Fork.        | "       |
| Mariposa.  | Mt. Ophir.           | Noveax Monde.         | Mt. Ophir.         | "       |
| "          | Quartzburg.          | Washington & Georg.   | Quartzburg.        | "       |

From this it will be seen that there are thirty-nine mines in successful operation in this State at the present date, twenty-eight of which I have personally visited this season, and my excuse for not visiting the balance, was the lateness of the season and distances, with the time necessarily required to compile this report, being now delayed much beyond the time when it should have appeared.

## ALTITUDES

*Taken by Aneroid Barometer No. 10,811, with the Counties and Localities in which they were taken.*

| COUNTY.          | LOCALITY.            | POSITION.                                       | ALTITUDE<br>ABOVE THE<br>SEA. |
|------------------|----------------------|-------------------------------------------------|-------------------------------|
| Santa Clara,     | San Jose,            | Mansion House,                                  | 150 feet.                     |
| " "              | Almaden,             | Hotel,                                          | 480 "                         |
| " "              | Mine,                |                                                 | 1345 "                        |
| " "              | Houck's Ranch,       | Santa Clara Valley,                             | 190 "                         |
| " "              | Gilroy's,            | " " "                                           | 155 "                         |
| " "              | Mission Peak,        |                                                 | 2025 "                        |
| Monterey,        | Mission San Juan,    |                                                 | 210 "                         |
| " "              | Ranch Tres Pinos,    | Cañada San Benito,                              | 220 "                         |
| " "              | Pass Santa Anna,     | Top of hill,                                    | 615 "                         |
| " "              | Cañada San Juan,     | Four miles south of the above,                  | 300 "                         |
| " "              | Cañada Las Muertos,  | Entrance,                                       | 280 "                         |
| " "              | Sierra Gabilan,      | Summit,                                         | 2780 "                        |
| " "              | Chupadero,           | "                                               | 2368 "                        |
| " "              | Chelone,             | "                                               | 2010 "                        |
| " "              | Soledad Mission,     |                                                 | 312 "                         |
|                  |                      | Hill on road from San Juan to }<br>Watsonville, | 340 "                         |
| San Luis Obispo. | High Ridge,          | South Nacismiento,                              | 2460 "                        |
| Alameda,         | Mission San José,    | Portico,                                        | 285 "                         |
| " "              | Sunols Hill,         | Entrance to valley,                             | 505 "                         |
| " "              | " Valley,            |                                                 | 285 "                         |
| " "              | Seven Mile House,    | Sunol Valley,                                   | 240 "                         |
| " "              | Livermore's Ranch,   | Livermore Valley,                               | 420 "                         |
| " "              |                      | Hill in Pass nine miles from Ranch,             | 865 "                         |
| " "              |                      | Cañada half mile north of hill,                 | 584 "                         |
| " "              |                      | Bottom of hill, one mile,                       | 680 "                         |
| San Joaquin,     | Stone House,         | Mouth of Livermore Pass,                        | 220 "                         |
| " "              | Elk Horn,            |                                                 |                               |
| " "              | Suddenfield's Ranch, | San Joaquin Valley,                             | 80 "                          |
| Nevada,          | Nevada City,         | Adams' Office,                                  | 1810 "                        |
| " "              | *Grass Valley,       | " "                                             | 1950 "                        |
| Placer,          | Auburn,              |                                                 | 1080 "                        |
| " "              |                      | Half-way House to Sacramento,                   | 370 "                         |
| El Dorado,       | Aurum City,          |                                                 | 1200 "                        |
| " "              | Mud Springs,         |                                                 | 1430 "                        |
| Sacramento,      | North Fork House,    |                                                 | 170 "                         |
| " "              | Sacramento City,     | Levee,                                          | 39 "                          |
| Yuba,            | Marysville,          |                                                 | 76 "                          |
| " "              | Johnson's Ranch,     | Bear River,                                     | 1120 "                        |

\* A difference of fifty feet by observations of Mr. Atwood with mercurial Barometer, taken three quarters of a mile south; difference probably in elevation of both places.

Altitudes were taken in the Counties of Butte, Sierra and upper part of Yuba with another instrument, but as it was found not to correspond with the points of departure on my return, the observations were presumed to be incorrect and therefore are not given in this table. Some of the localities in this table have been levelled and their height accurately known, and as the barometric measurements have been found to correspond, they are probably close approximations.

## COLLECTION FOR THE STATE CABINET.

*The Minerals found in the attached list will represent the rocks of those sections examined and spoken of in the report.*

1. Sandstone conglomerate with serpentine, Water Works, San Francisco.
2. Chromic iron, containing Nickel, Panoches, Gabilan Mountains.
3. Chromic iron, containing Nickel, San Benito, Canada of.
4. Chromic iron, containing Nickel, Alameda County.
5. Serpentine, containing free Iodine, Water Works, San Francisco.
6. Serpentine seams of Asbestos, Water Works, San Francisco.
7. Sulphuret Copper in Quartz, Alisal, Monterey.
8. Blue and green Carbonate Copper, Alisal, Monterey.
9. Carbonate and Sulphuret Copper, Alisal, Monterey.
10. Carbonate and Sulphuret Copper, Santa Barbara.
11. Jaspers rocks, Presidio, San Francisco.
12. Gangue of the veins, Alisal Mine.
13. Gossan, containing Gold, Gabilan Mountains.
15. Gold in Quartz with peroxide iron, Washington Mine, Shasta Co.
16. Do. do. do. do. do. do. do. do. do.
17. Do. do. do. do. do. do. do. do. do.
18. Gossan, containing Gold, Gold Tunnel Mine, Nevada.
19. Gold in Quartz, Gold Tunnel Mine, Nevada.
20. Gold in Pyrites, Gold Tunnel Mine, Nevada.
21. Gold in Quartz with Galena, Lafayette and Helvetia Mine, Nevada.
22. Gold in Pyrites, Lafayette and Helvetia Mine, Nevada.
23. Gold in Arsenical Pyrites, Lafayette and Helvetia Mine, Nevada.
24. Gold in Gangue of Vein, Lafayette and Helvetia Mine, Nevada.
25. Auriferous Pyrites, Gold Hill Lode, Helvetia mine.
26. Gold and Peroxide Iron, Lafayette and Helvetia mine.
27. Serpentine from the Lode, Lafayette Hill.
28. Pyritiferous and Variegated, Lafayette Hill.
29. Gold in Quartz, Empire Co., Ophir Hill.
30. Gold in Pyrites, Empire Co., Ophir Hill.
31. Ores of the Greenstone, Empire Co., Ophir Hill.
32. Ores Pyritiferous, Empire Co., Ophir Hill.
34. Discoloration of Quartz by Gold, Empire Co., Ophir Hill.
35. Gold in Quartz, Gold Hill mine.
36. Auriferous Pyrites in Quartz, Gold Hill mine.
37. Auriferous Cellular Quartz, Gold Hill mine.
38. Surface Ores and Peroxide Iron, Gold Hill mine.
39. Auriferous Quartz in Crystals, Osborn Hill mine.
40. Ore from the Granite, Osborn Hill mine.
41. Ore from decomposed Greenstone, Osborn Hill mine.
42. Ore from the Greenstone Gangue, Osborn Hill mine.
43. Gossan containing Gold, Wyoming mine.
44. Auriferous Quartz, Wyoming mine.

45. Pyrites containing Gold, Ben Franklin mine.
46. Ore from the Greenstone, Ben Franklin mine.
47. Conglomerate and Gold, Little York.
48. Trachyte, Grass Valley.
49. Auriferous Pyrites in Quartz, Mt. George mine.
50. Auriferous Pyrites and Sulphur, Mt. George mine.
51. Auriferous Pyrites, Mt. George mine.
52. Steatite (Soapstone) Jenny Lind Hill (*Rocky Tunnel*).
53. Serpentine, Jenny Lind Hill, (*Rocky Tunnel*.)
54. Asbestos, Jenny Lind Hill, (*Rocky Tunnel*).
55. Cellular Quartz and Gold, Lea & Johnson mine, Calaveras Co.
56. Ore from the Greenstone, Lea & Johnson mine, Calaveras Co.
57. Surface ore of cross course, Lea & Johnson mine, Calaveras Co.
58. Cellular Quartz surface ore, Ranchoree mine, Calaveras Co.
59. Auriferous Pyrites, Ranchoree mine, Calaveras Co.
60. Quartz Talc and Gold, Ranchoree mine, Calaveras Co.
61. Auriferous Quartz, Jones & Davis' Mine, Calaveras County.
62. Pyritiferous Quartz, Jones & Davis' Mine, Calaveras County.
63. Gangue investing Lode Auriferous, Jones & Davis' Mine, Calaveras County.
64. Surface Ores, Jones & Davis' Mine, Calaveras County.
65. Gold in Quartz, Eureka Mine, Calaveras County.
66. Arsenical Pyrites and Gold, Eureka Mine, Calaveras County.
67. East side of Lode, do do do do
68. Middle of Lode, do do do do
69. Average Ores, do do do do
70. Graphic Slate, Jones & Davis Mine.
71. Veinstone with Graphic Slate, Spring Hill Mine, Calaveras Co.
72. Do Roasted, do do do
73. Auriferous Pyrites, do do do
74. Gold in Quartz, do do do
76. Cellular Quartz, Keystone Mine, Amidor.
77. Auriferous Pyrites, do do do
78. do do and Gold, Ariel Mine, Sierra County.
79. Pyrites in Talc, do do do
80. Proxide Iron, do do do
81. Calcareous Travertin, South Fork, Yuba.
82. Galena and Gold in Quartz, Tuolumne Water Co.
83. do do do do do
84. Peroxide Iron and Gold do do do
85. Auriferous Talc, do do do
86. Talcose Slate and Gold, Calaveras River.
87. Gossan and Gold, New York Mine, Stanislaus River.
88. Carbonate Line, Almaden Mine, Santa Clara.
89. Serpentine, do do do
90. Carbonate Lime in Cinnabar, Almaden Mine, Santa Clara.
91. Cinnabar, do do do do
92. do do do do do
93. Sulphuret Copper, Santa Barbara.
94. Carbonate Copper, Carson Hill.
95. Carbonate Copper, Grass Valley.



96. Sulphuret Antimony, Mt. Oso, Coast Mountains.
97. Carbonate Copper in boulders, Oregon creek, Sierra Co.
98. Gold in do do do do do
99. Lignite and Sulphuret Iron do do do do
100. Hornblende, Monte Diablo.
101. do Cañada San Benito.
102. Silicified Wood, Oregon creek, Sierra Co.
103. Fossil Leaves, Minesota do do
104. do do and Wood, Minesota, Sierra Co.
105. Shells of raised sea-beach, containing Ostrea, Purpura, Mytilus, Benicia.
106. Lignites, Grass Valley.
107. Silicified Oak, Grass Valley.
108. Quartz and Gold, No. 1 level, Pine Tree Sett.
109. do do No. 2 do do do do
110. do do No. 1 Cross cut do do
111. do do No. 2 do do do do
112. do do from the limestone, Dyer Sett.
113. Copper Lode, near Ridly's Ferry.
114. do do Hoyt's Lode.
115. Copper and Gold, Spring Sett.
116. Gossan and Gold, Josephine Sett.
117. Copper and Gold in Quartz, do do
118. Cellular Quartz and Gold, do do
119. do do do do do
120. do do do do do
121. do do Pyrites with Gold, do do
122. Graphite and Gold in Quartz, do do
123. Blue Carbonate Copper and Quartz, Pine Tree Sett.
124. Galena Iron and Gold in Quartz, Mt. Ophir Sett.
125. Hydrated Protoxide Iron and Gold, do do
126. Walls of Lode Auriferous, Mt. Ophir Sett.
127. Veinstone Pyritiferous do do
128. Galena and Copper, do do
129. Pyrites in Greenstone.
130. Medium Ores of Mt. Ophir.
131. Carbonate Copper, Luis Obispo.
132. Agates, do
133. Magnetic Iron, Santa Barbara.
134. Do do in Serpentine, San Francisco.
136. Do do do do
137. Peroxide Iron, Santa Cruz Mountains.
138. Bituminous Shales, with Telina, Coast Monterey.
139. Do Impressions of telina and Venus, with borings of the Pholas, Coast Monterey.
139. Bituminous Sandstone with Pholas and Teredo, Serpulae, Coast Monterey.
140. Yellow Sandstone with impressions of Venus, Southeast Monterey.
141. Do do and Telina, do do
142. Do do do do do
143. Do do do Carmello Creek.

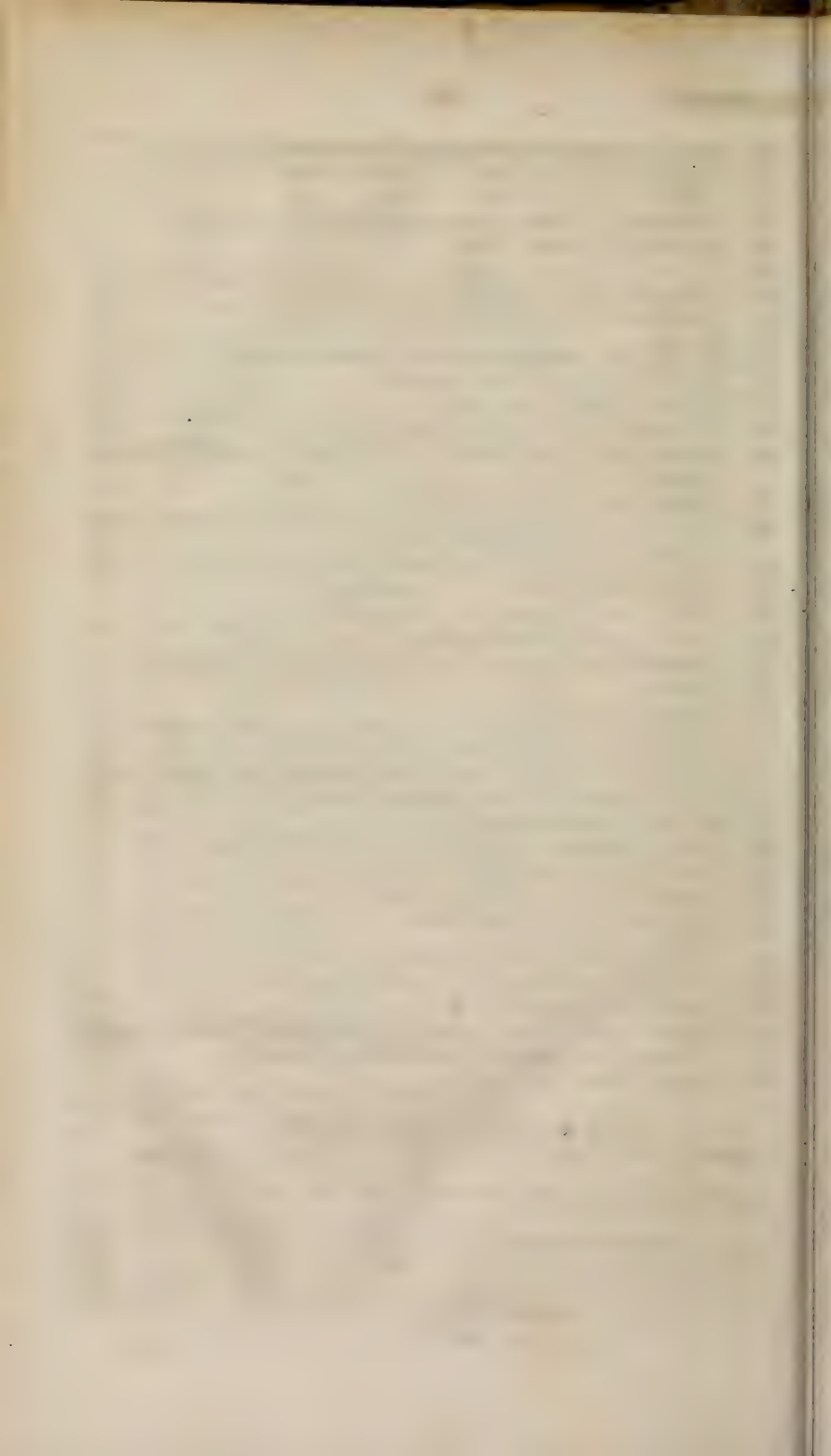
144. Yellow Sandstone and Telina, Cormello Creek.
145. Do do do do do
146. Do do do do do
147. Mactra and Cardium Sandstone, Monterey.
148. Argentiiferous Galena, Alisal.
149. do do do
150. Carbonate Copper and Gold in Quartz, Alisal.
151. Mica Schist and Sulphate Iron, Santa Cruz.
152. Granite, do
153. Serpentine and Bitumen, La Brae, Santa Clara Co.
154. Mica Schist with Garnets, Carmello.
155. Carbonate Lime, Santa Cruz.
156. Carbonate Lime in Crystals, Santa Cruz.
157. Marine Fossils, consisting of Pyrula, Telina, Dentalia, Cytherea, Butte Co.
158. Matica, Ostrea, Mactra, Butte Co.
159. Marine Fossils, consisting of Buccinum, Natica, Cytherea, Santa Cruz Mountains.
160. Venus, Venericardia, Santa Cruz Mountains.
161. Marine Fossils, Astarte, San Benito.
162. do do Venericardia, do do
163. do do Mytilus Cytherea, do do
177. Infusorial Clays, containing thirty-eight species, Monterey.
174. Granite, Punta Reys, Marin Co.
175. Limestone and Antimony, do do do
176. Galena Gold and Quartz, Marble Spring Mine, Tuolumne Co.

Through the kindness of Mr. W. P. Blake, Geologist of the U. S. R. R. Survey, the following specimens have been procured, and which represent some portions of the geology of the routes traveled over by that expedition during the past season :

164. Fossil Wood perforated by Teredo, Colorado Deseret.
165. Silicified Wood, do do.
166. Andalusite, drift of Chouchillas River.
167. Carbonate of Lime, Tejon Pass.
168. Selenite, Posa Creek.
169. Amorphous Quartz, Four Creeks.
170. Coral, Colorado Desert.
171. Basalt, San Joaquin.
172. Marine Fossils ; these contain two species of Fusus Bucinum, Telina, Pecten and Turbo, San Diego Mission.
176. Shark's Teeth, Posa Creek.

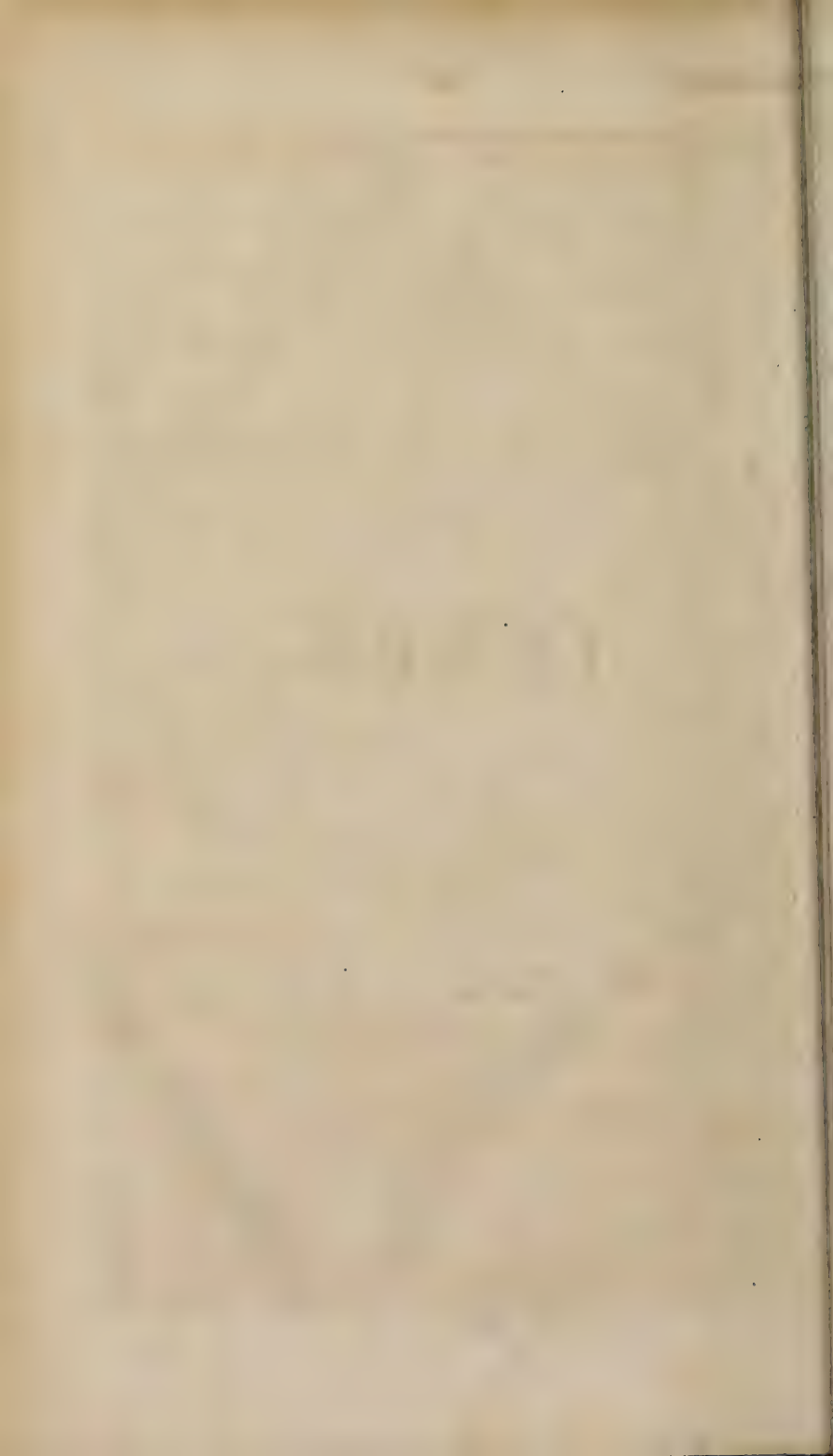
All of which is respectfully submitted.

JOHN B. TRASK.



# INDEX.





# INDEX

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## JOURNAL OF THE ASSEMBLY,

AND TO THE

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